



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: March 17, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Actual litigation: Government Code §54956.9(a); one case, Smalley v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV010730

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Bill Cummins, Bear Creek Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) National Boys and Girls Club Week
- b) Model A Ford Club of America 42nd Annual Northern California Regional Group Roundup
- c) Arbor Day (PR)

D-3 Presentations

- a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from City of Lodi
- b) 2003 Maintenance Superintendents Association Superintendent of the Year Award
Presentation to Street Supervisor Dave Bender (PW)
- c) Presentation of 2004 Spring Cleanup activities (CD)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$1,972,812.84 (FIN)

- E-2 Approve minutes (CLK)
 - a) February 18, 2004 (Regular Meeting)
 - b) February 24, 2004 (Shirtsleeve Session)
 - c) March 2, 2004 (Shirtsleeve Session)
- E-3 Approve plans and specifications and authorize advertisement for bids for Water/Wastewater Replacement Program Project No. 2 (PW)
- Res. E-4 Adopt resolution approving plans and specifications and authorizing advertisement for bids for the standby generator at Well 22 and authorizing the City Manager to award the contract (up to \$150,000) (PW)
- Res. E-5 Adopt resolution approving specifications and authorizing advertisement for bids for low-voltage fuses and fuse holders and authorizing the City Manager to approve the purchase (\$20,000) (EUD)
- Res. E-6 Adopt resolution authorizing the City Manager to award the purchase of a Fiber Optic Control Building to the low bidder, E-3 Systems, of Union City, CA (\$32,094.64) (EUD)
- Res. E-7 Adopt resolution authorizing the purchase of 35 ballistic vests from LC Action Police Supply, of San Jose (\$25,757.64) (PD)
- Res. E-8 Adopt resolution authorizing the purchase of 68 chairs from Warden's Outlet Center, of Modesto, for the new Police Facility Community Room (\$8,270) (PD)
- E-9 Accept improvements under contract for Katzakian Park Booster Pump Project (PR)
- Res. E-10 Adopt resolution accepting a portion of the Improvements in Almondwood Estates, Tract No. 3273 (PW)
- Res. E-11 Adopt resolution approving the Final Map, Improvement Agreement, and Water Rights Agreement for Millsbridge II, Tract No. 3343 (PW)
- Res. E-12 Adopt resolution authorizing the City Manager to execute Letter of Agreement No. 04-SNR-00637 between the United States of America Department of Energy Western Area Power Administration and the City of Lodi to provide Shasta Rewinds and daily excess capacity and associated energy (EUD)
- Res. E-13 Adopt resolution approving a lease agreement between City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pool at Twin Arbor Athletic Club facilities for the period of May 31, 2004 to July 25, 2004 (PR)
- Res. E-14 Adopt resolution approving the job specification and salary range for the position of Fire Administrative Captain and provide authorization to fill the position (HR)
- Res. E-15 Adopt resolution authorizing the City Manager to appropriate a Public Benefits Program grant in the amount of \$6,178 to Fairmont Seventh-Day Adventist Church for a demand-side management project (EUD)
- E-16 Authorize advertisement for transportation services for Leadership Lodi's Agriculture, Water, and Environment Day and authorize use of buses should no alternate provider be willing to perform the service (PW)
- Res. E-17 Adopt resolution reallocating \$20,962.07 of unobligated funds from various Community Development Block Grant projects to the 98-07 Elm Street Parking Lot project (CD)
- Res. E-18 Adopt resolution of Preliminary Determination and Resolution of Intention to Annex Millsbridge II Zone 3 and Almond North Zone 4 to Lodi Consolidated Landscape Maintenance District
- Res. No. 2003-1; set public hearing and deadline for receipt of ballots for May 5, 2004; and adopt
- Res. resolutions authorizing the City Manager to execute professional service agreements with
- Res. Timothy J. Hachman, Attorney at Law (\$7,000), and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc. (\$8,500), for services required in support of the annexation (PW)
- E-19 Set public hearing for April 7, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road (CD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- Ord. G-1 Public hearing to consider the Planning Commission's recommendation of approval to the City
(Introduce) Council for a Rezoning for 5952 E. Pine Street; the Rezoning is from San Joaquin County A-U,
Res. Agricultural Urban Reserve to M-2, Heavy Industrial; the request also includes a
Res. recommendation that the City Council certify Negative Declaration ND-03-13 as adequate
environmental documentation for the project and initiate annexation of the property into the City
(CD)
- G-2 Continue public hearing to April 7, 2004, to consider redesign concept for C-Basin (Pixley Park)
and the exchange of properties with GREM, Inc., to allow relocation of C-Basin (PW)
- Ord. G-3 Public hearing to consider the Planning Commission's recommendation of approval to the City
(Introduce) Council to adopt a Zoning Ordinance amendment adding Chapter 17.58 regarding design
standards for large retail establishments (CD)

H. Communications

- H-1 Claims filed against the City of Lodi – None
a) Randall Hays, date of loss 1/23/04
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments
a) Appointments to the Lodi Arts Commission and Parks and Recreation Commission (CLK)
- H-4 Miscellaneous
a) Monthly Protocol Account Report (CLK)

I. Regular Calendar

- Res. I-1 Adopt resolution authorizing the City Manager to appropriate \$25,000 in Public Benefit Program
funds for the Lodi Residential Swimming Pool Pump & Motor Rebate Program for City of Lodi
Electric Utility customers (EUD)
- I-2 Updates from Mayor Larry Hansen regarding the following issues: (CC)
• Barger & Wolen audit of Envision Law Group's billings
• status of recruitment process for new City Attorney
• progress on Request for Proposals for special counsel to represent the City of Lodi in its
Environmental Abatement Program litigation
• legal proceedings relative to the Environmental Abatement Program litigation
- Res. I-3 Adopt resolution awarding contract(s) for City-wide janitorial services to lowest responsive
bidder(s) (PW)
- I-4 Approve Special Allocation for expenses incurred for moving and storing PCE/TCE litigation files
(\$17,005) (CA)

J. Ordinances

- Ord. J-1 Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal
(Adopt) Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to
Reimbursement Agreements"
- Ord. J-2 Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by
Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles"

- K. Comments by the City Council Members on non-agenda items**
- L. Comments by the City Manager on non-agenda items**
- M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: National Boys and Girls Club Week

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hansen present a proclamation proclaiming the week of March 29 – April 2, 2004, as “National Boys and Girls Club Week” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of March 29 – April 2, 2004, as “National Boys and Girls Club” in the City of Lodi. Edwin Cotton, representing the Lodi Boys and Girls Club, will be at the meeting to accept the proclamation.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Northern California Regional Group of the Model A Ford Club's 42nd Annual Roundup Days

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hansen present a proclamation in celebration of the Northern California Regional Group of the Model A Ford Club's 42nd Annual Roundup Days.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation in celebration of the Northern California Regional Group of the Model A Ford Club's 42nd Annual Roundup Days. Thomas Rut, representing the Northern California Regional Group of the Model A Ford Club, will be at the meeting to accept the proclamation.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Arbor Day Proclamation

MEETING DATE: March 17, 2004

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That Mayor Hansen presents a proclamation proclaiming Arbor Day in the City of Lodi.

BACKGROUND INFORMATION: Arbor Day is an annual observation that celebrates the role of trees in our lives and promotes tree planting and care. As a formal holiday, it was first observed in 1872, in Nebraska, but tree-planting festivals are as old as civilization. The tree has appeared throughout history and literature as the symbol of life.

The ideas of Arbor Day in the United States originated in Nebraska City, Nebraska. Among the pioneers moving into the Nebraska Territory in 1854 was Julius Sterling Morton from Detroit. Mr. Morton and his wife, Caroline, were lovers of nature, and the home they established in Nebraska was quickly planted with trees. Mr. Morton was a journalist and soon became editor of Nebraska's first newspaper. This allowed him to spread agricultural information and his enthusiasm for trees to his readers. His fellow pioneers missed their trees and needed them for windbreaks, fuel, building materials and shade. In 1872, the State Board of Agriculture accepted a resolution by J. Sterling Morton "to set aside one day to plant trees, both forest and fruit." The Board declared April 10th, Arbor Day and offered prizes to the counties and individuals that properly planted the largest number of trees on that day. More than one million trees were planted in Nebraska on the first Arbor Day.

Shortly after this 1872 observance, other states passed legislation to observe Arbor Day each year with appropriate ceremonies. By 1920, more than 45 states were celebrating Arbor Day. Today, Arbor Day is celebrated in all fifty states.

The National Arbor Day Foundation, in cooperation with the U.S. Forest Service and the National Association of State Foresters, recognizes towns and cities across America that would meet the standards of the Tree City USA program. Standard 4 requires Tree City USA applicants to hold an Arbor Day observance which can be simple and brief or an all-day or all-week observance. A proclamation issued by the mayor must accompany the observance and declare the observance of Arbor Day in the community.

On March 3, 2004, City staff received verbal confirmation from the National Arbor Day Foundation that the City of Lodi is now designated as a Tree City USA for the second consecutive year.

Staff would like to invite the City Council and the members of the community to this year's Arbor Day celebration. This year's event will be held on Saturday, April 3, 2004, at Lodi Lake Park.

APPROVED: _____
H. Dixon Flynn, City Manager

FUNDING: None needed

Tony Goehring
Parks and Recreation Director

TG/SD/GB:tl

cc: City Attorney
Community Development Director
Public Works Director



City of Lodi

*Public Works Department - Parks & Recreation Department -
Community Development Department*

PRESENT

SpringFest 2004

*A GREAT AMERICAN COMMUNITY EVENT
& ARBOR DAY CELEBRATION*

Saturday April 3, 2004

Lodi Lake Park - South Lawn

10am - 2pm

- Free Tree Seedling Giveaway
- Lodi Garden Club Presentation
 - Tree City USA Dedication
- Spring Cleanup Materials Available
- Arbor Day Dedication with A Tree Planting Demonstration

*COME CELEBRATE SPRING
COME CELEBRATE LODI*



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the Lodi Area All Veterans Plaza Foundation of Quarterly Payment on Loan from City of Lodi

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: Mr. Merle Warner, representing the Lodi Area All Veterans Plaza Foundation, will be at the meeting to present a check to Mayor Hansen, accepting on behalf of the City, for the quarterly payment on loan from the City of Lodi.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: 2003 Maintenance Superintendents Association Superintendent of the Year Award Presentation to Street Supervisor Dave Bender

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: At this meeting, dignitaries from the Maintenance Superintendents Association North Central Valley Chapter will present the 2003 Superintendent of the Year Award to City of Lodi Street Supervisor Dave Bender.

BACKGROUND INFORMATION: Each year, the North Central Valley Chapter of the Maintenance Superintendents Association (MSA) selects a member in a supervisory position in charge of services in Public Works maintenance who has led and contributed or participated in developing the chapter and the organization as a whole. Street Supervisor Dave Bender has established a reputation for honesty, hard work, and fairness in his 26 years with the Street Division. This home-grown boy has led by example in all aspects of his life and is quiet and modest about his accomplishments.

Dave has generously given of his time and energy in furthering the purpose of MSA through education, communication, and fellowship. Over the past 10 years, Dave has used his awareness of the MSA to provide numerous cost-effective workshops to further the knowledge and abilities of all the maintenance providers in the area. He has served in all capacities within the Chapter, and worked his way up through the chairs, serving as President for 2000/2001. The North Central Valley Chapter hosted the MSA 2002 Annual Conference in Sacramento, and Dave was integral in making it one of the most successful ever held. His innovative leadership skills have also allowed the North Central Valley Chapter to enjoy an aggressive and successful scholarship program.

Dave's sustained effort has resulted in furthering Lodi's reputation as a proactive, supportive, and forward-thinking community. In addition, Dave's efforts continue in the City's long-standing tradition of supporting involvement in professional organizations by its staff. In the case of this specific award, we wish to acknowledge past award recipients Glen Baltzer (1986), Vern Aman (1993), Curt Juran (1995), and George Bradley (2001).

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by George M. Bradley, Street Superintendent
RCP/GMB/dsg
cc: Jerry Dankbar, MSA North Central Valley Chapter President
Dave Bender, Street Supervisor

APPROVED: _____
H. Dixon Flynn, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: 2004 SPRING CLEAN UP ACTIVITIES
MEETING DATE: MARCH 17, 2004
PREPARED BY: COMMUNITY IMPROVEMENT MANAGER

RECOMMENDED ACTION: None Required.

BACKGROUND INFORMATION: The Community Improvement Division, in conjunction with the Lodi-News Sentinel, Central Valley Waste, Inc., and the Parks and Recreation and Public Works Departments, coordinates a number of Spring Cleanup activities each year.

The list of activities for this year is as follows:

On March 26-27, the Public Works Department of San Joaquin County is having a TV & Computer Recycling Days, at the North County Recycling Center & Sanitary Landfill, from 9AM-2PM. Residents will be able to dispose of up to four TV or computer units per household or business.


On April 3, the Lodi Parks & Recreation Department, the Public Works Department and the Community Development Department will hold an Arbor Day Celebration event at Lodi Lake Park - South Parking Lot, from 10AM-2PM. This event will include a tree seedling giveaway, Arbor Day information and promotions and free community clean up materials.

On April 3-4, the Lodi News-Sentinel will run a special advertising section for the annual City Wide Yard Sales event. Residents throughout Lodi are encouraged to have yard sales to clean out their closets and garages.

On April 17, Central Valley Waste will have a Customer Appreciation Day by holding their annual Dollar Dump Day at their Turner Road facility. This allows Lodi residents to discard certain unused items and materials for only \$1 per truck or carload.

April 20-23, the annual Spring Cleanup activities are finished off with Central Valley Waste's Residential Curbside Pickup Program, which allows Lodi residents to place bags, boxes or bundles of certain goods and materials at the curb on their normal garbage pick up day.

APPROVED:


Janet Kertz, City Manager

Throughout the month of April, service organizations, church and school groups, families and business alike, are all invited to engage in a clean up project in Lodi. The Community Improvement Division provides free garbage bags and use of gloves to any interested group who may be planning a clean up activity or event.

FUNDING: None



Joseph Wood
Community Improvement Manager

cc: Steve Dutra, Parks Superintendent
George Bradley, Streets Superintendent
Rebecca Areida, Public Works Department
Christine Wied, Central Valley Waste
Kimberly Anger, Lodi News-Sentinel



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated March 2, 2004 in the Amount of \$1,972,812.84

MEETING DATE: March 17, 2004

PREPARED BY: Finance Technician

RECOMMENDED ACTION: That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$1,972,812.84 dated March 2, 2004, which includes PCE/TCE payments of \$488.25.

FUNDING: As per attached report.

Vicky McAthie, Finance Director

VM/kb

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

Accounts Payable
Council Report

Page - 1
Date - 03/02/04
Amount

As of Thursday	Fund	Name	Amount
02/19/04	00100	General Fund	432,732.86
	00123	Info Systems Replacement Fund	49.55
	00160	Electric Utility Fund	22,397.35
	00161	Utility Outlay Reserve Fund	14,588.86
	00164	Public Benefits Fund	227.18
	00170	Waste Water Utility Fund	16,009.12
	00171	Waste Wtr Util-Capital Outlay	61,980.30
	00172	Waste Water Capital Reserve	1,556.72
	00180	Water Utility Fund	998.66
	00181	Water Utility-Capital Outlay	231.74
	00182	IMF Water Facilities	500.00
	00210	Library Fund	10,342.85
	00211	Library Capital Account	279.92
	00270	Employee Benefits	329,742.62
	00300	General Liabilities	15,054.15
	00301	Other Insurance	244.00
	00325	Measure K Funds	3,516.68
	00327	IMF(Local) Streets Facilities	1,042.61
	00329	TDA - Streets	48.06
	01211	Capital Outlay/General Fund	14,116.65
	01212	Parks & Rec Capital	6,520.79
	01250	Dial-a-Ride/Transportation	7,669.87
	01410	Expendable Trust	1,158.60
Sum			941,009.14
	00183	Water PCE-TCE	446.25
Sum			446.25
Total for Week			
Sum			941,455.39

Accounts Payable
Council Report

Page - 1
Date - 03/02/04
Amount

As of Thursday	Fund	Name	Amount
02/26/04	00100	General Fund	589,044.65
	00103	Repair & Demolition Fund	143.00
	00120	Vehicle Replacement Fund	8,009.70
	00123	Info Systems Replacement Fund	2,153.92
	00160	Electric Utility Fund	17,645.98
	00161	Utility Outlay Reserve Fund	3,965.62
	00164	Public Benefits Fund	3,287.63
	00170	Waste Water Utility Fund	10,028.70
	00171	Waste Wtr Util-Capital Outlay	85,723.13
	00172	Waste Water Capital Reserve	135,653.93
	00180	Water Utility Fund	7,727.75
	00181	Water Utility-Capital Outlay	146.63
	00210	Library Fund	3,281.60
	00270	Employee Benefits	21,506.05
	00300	General Liabilities	16,928.24
	00327	IMF(Local) Streets Facilities	82.64
	00332	IMF(Regional) Streets	5,285.00-
	00501	Lcr Assessment 95-1	1,399.08
	01211	Capital Outlay/General Fund	103,467.29
	01212	Parks & Rec Capital	3,895.21
	01250	Dial-a-Ride/Transportation	7,499.52
	01410	Expendable Trust	15,010.18
Sum			1,031,315.45
	00183	Water PCE-TCE	42.00
Sum			42.00
Total for Week			
Sum			1,031,357.45

Council Report for Payroll

Page -

1

Date -

03/02/04

Payroll	Pay Per Date	Co	Name	Gross Pay
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-				
Regular	02/15/04	00100	General Fund	816,355.76
		00160	Electric Utility Fund	152,921.21
		00161	Utility Outlay Reserve Fund	3,958.11
		00164	Public Benefits Fund	4,783.33
		00170	Waste Water Utility Fund	63,939.20
		00180	Water Utility Fund	7,548.54
		00210	Library Fund	33,147.38
		00235	LPD-Public Safety Prog AB 1913	1,994.49
		01250	Dial-a-Ride/Transportation	2,766.21

Pay Period Total:				
Sum				1,087,414.23
Retiree	03/31/04	00100	General Fund	30,196.18
		00210	Library Fund	490.38

Pay Period Total:				
Sum				30,686.56



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) February 18, 2004 (Regular Meeting)
b) February 24, 2004 (Shirtsleeve Session)
c) March 2, 2004 (Shirtsleeve Session)

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:
a) February 18, 2004 (Regular Meeting)
b) February 24, 2004 (Shirtsleeve Session)
c) March 2, 2004 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibit A through C.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 18, 2004**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of February 18, 2004, was called to order by Mayor Hansen at 5:34 p.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: Deputy City Manager Keeter, Interim City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases

C-3 ADJOURN TO CLOSED SESSION

At 5:34 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:10 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:15 p.m., Mayor Hansen reconvened the City Council meeting, and Interim City Attorney Schwabauer disclosed the following actions:

In regard to Item G-2 (a), Council approved going forward with an audit by Barger & Wolen of the bills of prior counsel on the M&P Investments case, subject to it being paid as a defense cost; Council approved a waiver of a conflict of interest for Barger & Wolen to proceed with its representation of the City.

In regard to Item C-2 (b), no reportable action was taken.

In regard to Item C-2 (c), no reportable action was taken.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of February 18, 2004, was called to order by Mayor Hansen at 7:15 p.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: Deputy City Manager Keeter, Interim City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Reverend Fred Chacon, Loving Hymn Ministries.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop 199.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hansen presented a proclamation to Patricia Sherman, President of Animal Friends Connection Humane Society, proclaiming the month of February 2004 as “Prevent a Litter Month / Spay Day USA 2004” in the City of Lodi.

D-3 (a) Gabi del Castillo and Elisa Villarreal, members of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Alexandra Hodge from Lodi High School, and provided an update on the accomplishments of the Commission.

D-3 (b) Mayor Hansen presented Certificates of Recognition to Boy Scouts Jonathan David Gilbert and William Joseph Glissman for obtaining the rank of Eagle Scout.

D-3 (c) Hutchins Street Square Foundation Chairman Dennis Bennett stated that the Foundation has made an attempt each year to make a voluntary contribution of \$150,000 toward the repayment of the Certificates of Participation that were utilized for the reconstruction of Hutchins Street Square. Last year Council approved the Foundation's request to use \$75,000 in contributions toward installation of benches on the stage of the theater, which has been completed. Mr. Bennett presented Mayor Hansen, who accepted on behalf of the City, with a monetary gift of \$75,000, noting that it fulfills the Foundation's obligation for this year.

D-3 (d) Janet Hamilton, Management Analyst, announced that the Su Salud's Tour of Life event, which focuses on health education, is scheduled to be held on March 7 in Lodi.

COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- In reference to Item E-3, Rich Edwards stated that his company was not afforded the opportunity to bid on the contract because it was not notified. He believed that the bid being considered by Council was overpriced by \$20,000 a year.

Deputy City Manager Keeter reported that notices were mailed to those as indicated in the staff report for Item E-3. In addition, there were notices published three times in the Lodi and Manteca newspapers.

- In reference to Item E-15, Jim Womack stated that he represented 96 members of the Tokay Radio Controlled Modelers. Since 1972, 800 members have enjoyed the sport of model aviation at Pixley Park. The club has held demonstrations with school groups and conducted model building classes through the Parks and Recreation Department.
- In reference to Item E-15, Ken Knowles stated that he has been a member of the Tokay Radio Controlled Modelers for 15 years. He has been a teacher at Tokay High School for the past 20 years and has led a modeling club for students. He urged Council to support an agreement for an alternate flying site for the club.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Beckman second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

E-1 Claims were approved in the amount of \$2,148,783.31.

E-2 The minutes of January 20, 2004 (Shirtsleeve Session), January 21, 2004 (Regular Meeting), January 27, 2004 (Shirtsleeve Session), and February 3, 2004 (Shirtsleeve Session) were approved as written.

- E-3 Adopted Resolution No. 2004-22 awarding the contract for Security Services at the Lodi Station/Lodi Station Parking Structure to Securitas, of Stockton, in the amount of \$113,710.
 - E-4 Accepted the improvements under the "Lodi Avenue Asphalt Concrete Resurfacing, Ham Lane to Union Pacific Railroad" contract.
 - E-5 Accepted the improvements under the "Kettleman Lane Median Improvements, Hutchins Street to School Street" contract.
 - E-6 Accepted the improvements under the "Lockeford Street Storm Drainage Improvements, Mills Avenue to 300 feet east of Loma Drive" contract.
 - E-7 Adopted Resolution No. 2004-23 awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Equipment with Allsup Corporation, of Upland, in the amount of \$308,280, and to appropriate funds upon receipt of written funding commitment from Lodi Unified School District.
 - E-8 Adopted Resolution No. 2004-24 awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Construction with Performance Mechanical, Inc., of Sacramento, in the amount of \$315,310 (includes bid alternates), and to appropriate funds upon receipt of written funding commitment from Lodi Unified School District.
 - E-9 Authorized the City Manager to amend the professional service agreement with PMC Consultants for the preparation of the environmental impact report for the proposed commercial development at the southwest corner of Lower Sacramento Road and Kettleman Lane.
 - E-10 Adopted Resolution No. 2004-25 approving Lodi's submittal of Reasonably Available Control Measures for the San Joaquin Valley Air Pollution Control District's 2010 Ozone Attainment Plan.
 - E-11 Adopted Resolution No. 2004-26 authorizing submittals of Safe Routes to School grants to the California Department of Transportation.
 - E-12 Adopted Resolution No. 2004-27 amending Traffic Resolution 97-148 Section 3E by authorizing the City Manager to establish special reserved parking for vehicle inspection and/or emergency vehicle parking and angled parking on portions of Elm Street west of Church Street, adjacent to the Police Department at 215 West Elm Street.
 - E-13 Adopted Resolution No. 2004-28 directing the City Clerk to prepare ordinance summaries for publication pursuant to California Government Code §36933.
 - E-14 Set public hearing for March 3, 2004, to consider and approve community input and proposals for uses of the City's 2004-05 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.
 - E-15 Set public hearing for March 17, 2004, to consider redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin and refer the matter to the Planning Commission.
-

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Dave Towne, representing the Maintenance and Operators bargaining unit, reminded Council that it does not have a contract. The unit wishes to engage in dialog with the Council focusing on the importance of the work it performs. The services it provides are vital to the community. Mr. Towne felt that the Maintenance and Operators unit employees were not being treated fairly, as they are not offered the same or equal benefits to other groups. He stated that the Council seems to place Police, Fire, and Electric Utility on a pedestal, without recognizing that their work could not be accomplished without the services of the Maintenance and Operators unit.
- Juan Diaz, owner of La Capilla market on Cherokee Lane, reported that he received a letter from the City notifying him that he is in violation of many City codes, including having an overseas container on his property without a permit. Mr. Diaz stated that he took 50 photos of other such violations in the City and questioned why he was being singled out. Mr. Diaz felt that two City employees were harassing him and asked that he be allowed to have a meeting with the Mayor and City Manager to address these issues. In addition, he noted that the large store across the street from his market received two beer licenses before the City would issue him one, which he considered to be discriminatory.

Mayor Hansen asked Deputy City Manager Keeter to schedule a meeting as requested by Mr. Diaz.

RECESS

At 8:00 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 8:07 p.m.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line.

Lyman Chang, Associate Civil Engineer, reported that as a condition of development, the developer of the Century Meadows One Unit 2 subdivision, K & W Development, was required to install the Harney Lane Sewer Lift Station and a sanitary sewer trunk line to provide sewer service for the subdivision project. The lift station is located at the southeast corner of Harney Lane and Mills Avenue. The sewer trunk line is in Harney Lane between Mills Avenue and the Woodbridge Irrigation District canal. The area south of Harney Lane was originally not part of the lift station service area. A group of property owners requested that the lift station and sewer trunk line be oversized to accommodate them when they develop in the future. K & W funded the cost of the over sizing and it was paid directly by the property owners. The reimbursable lift station costs are prorated based on the proportion of the parcel acreage to the total acreage of Zones A and B, which is approximately 225 acres. The reimbursable sewer trunk line costs are prorated based on the proportion of the parcel acreage to the total acreage of Zone A only, which is approximately 62 acres. The reimbursable costs for the benefit area are listed on Exhibit B in the Reimbursement Agreement (filed). In the event that the parcels develop (Zones A and B) the cost will be collected by the City and reimbursed to K & W. The Reimbursement Agreement has a term of 15 years, which will end 2019.

Hearing Opened to the Public

- Don Lackyard stated that he has a well and septic tank and has no intention of hooking up to the City water or sewer. He reported that when they tore up the road and put the trunk line in front of his home, they stubbed out the water and sewer for future hook up and in the process tore out 12 feet of his flower bed.

Public Works Director Prima explained that residents are not charged until they request a hook up. He noted, however, that if a well or septic tank failed, the County may not want to issue a new permit and the property owner would have to ask the City to hook them up to the system.

- Bob Van Ruiten asked whether the sewage would be pumped in the opposite direction of the sewer plant, as well as questions related to the pump station.

Mr. Prima answered that it is drained by gravity to the lift station and pumped up to the trunk line and out. It is pumped north into Mills Avenue, which winds up in the Century line and back out. He replied that another sewage pump station would not be needed if Century Boulevard were to go west; however, there could be other costs for water lines, etc.

- Bill Newman questioned how the City determined the year 2011 for development of Sunnyside Estates.

Mr. Chang explained that it was an estimate of when residents of Sunnyside Estates would request to hook up to City services; it was not a mandated or fixed time period that residents have to do so.

- Robert Hathaway inquired whether a fee would be charged to buyers of Sunnyside Estates property. In addition, he asked how many property owners in Sunnyside Estates would have to agree to the hookup for the City to connect all the properties to the services, or if a single property could make the request.

Mr. Prima answered that he was not aware of a fee that would be charged to buyers of property in Sunnyside Estates. He recalled that in similar situations in the past property owners formed their own assessment district to pay for the cost of building the sewers. He did not believe it was practical for one property owner at a time to hook up to the service and suggested that Mr. Hathaway discuss the matter with his neighbors to create a larger group. Mr. Prima pointed out that Sunnyside Estates has not been annexed into the City and Public Works does not provide sewer service for properties outside the City.

- Andy Lee asked whether the reimbursement is to hook up to the sewer.

Mr. Prima explained that the amount in the mailing that property owners received was to pay for the share of the cost of the lift station. It does not include the cost of any sewer that was extended by the other developer, nor does it include the cost to build sewers within the Sunnyside Estates subdivision. The facilities were sized to handle the Sunnyside Estates lots at some future date.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, adopted Resolution No. 2004-29 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and sanitary sewer trunk line. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Land, Beckman second, made the following appointments by the vote shown below:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen
Noes: Council Members – None
Absent: Council Members – Hitchcock

Lodi Arts Commission

Robert Clemons Term to expire July 1, 2007

Judy Bader Term to expire July 1, 2005

- b) The City Council, on motion of Council Member Land, Beckman second, directed the City Clerk to post for the following vacancy by the vote shown below:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen
Noes: Council Members – None
Absent: Council Members – Hitchcock

East Side Improvement Committee

Rosie Ortiz Term to expire March 1, 2005

H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 “Updates from Mayor Larry Hansen regarding the following issues: 1) Barger & Wolen audit of Envision Law Group’s billings, 2) progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation, and 3) legal proceedings relative to the Environmental Abatement Program litigation”

Mayor Hansen reported that the audit by Barger & Wolen is continuing to go forward. Thirty firms have replied to the Request for Information (RFI) for legal services and the deadline is March 2. They will be screened, after which Council will conduct interviews and make a selection. The City has participated in settlement hearings with defendants and their attorneys from Busy Bee and Guild. There have also been meetings by City personnel with members of the Regional Water Quality Control Board (RWQCB). A meeting will be held Friday with the Department of Toxic Substances Control (DTSC). The RWQCB is considering moving the date of its order to sometime in April. He stated that the two state agencies are willing to work with the City as much as possible to increase the time line of settlement and contribution phases and to bring the responsible parties to the table for honest and sincere negotiations.

Council Member Land read the following statement from a letter dated February 5, 2004, from the DTSC, “A series of discussions by the trial and appellate courts in the ongoing litigation, as well as actions by the City, have led DTSC to conclude that the City can no longer effectively lead the enforcement effort to require cleanup of the site or participate in the State agencies enforcement efforts.” Addressing the Mayor, he asked whether DTSC is now in the position to take over as the lead agency.

Mayor Hansen replied that he had spoken to the Director of DTSC who indicated that he is willing to discuss it.

Council Member Land expressed hope that DTSC can be convinced that it and the City can continue to work together on this matter. He mentioned that he felt sorry for businesses in the community if DTSC takes over, because the State is not as forgiving as the City or working with Council Members. Mr. Land noted that the City Clerk was able to locate a copy of the endorsement dated September 9, 1997, from the United States Conference of Mayors that he had referred to at a previous meeting. It asked the Environmental Protection Agency to help local governments clean up contaminated sites and hold

polluters responsible by quickly approving requests for information gathering authority submitted under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act). He noted that one of the RFIs was sent to the firm of Isola and Bowers. Mr. Land stated that Aaron Bowers has been one of the biggest critics against the City and its groundwater contamination litigation strategy. Mr. Bowers represents Oddfellows who is one of the defendants in the case. He read the following statement that Mr. Bowers had written, "Mr. Donovan was accurate in one respect, that it is the insurance companies that should be forced to fund the environmental response activities." Mr. Land noted that that is what the City has been trying to do since 1989. The City filed its first claim against its own insurance company on October 14, 1997. It took nearly six years and a court order before USF&G began paying defense costs.

Mayor Hansen stated that it is still the City Council's goal to do everything it can to protect businesses and keep the insurance companies at the table to pay their part in the cleanup.

MOTION/ VOTE:

There was no Council action necessary on this matter.

I-2 "Discussion and direction regarding adjusting water and wastewater rates"

Public Works Director Prima noted that the summary of Water/Wastewater Rate Adjustments on page 3 of the staff report (filed) are not final numbers; they are approximations. He reported that Water, Wastewater, and Electric Utility pay the General Fund in-lieu of taxes each year an amount in accordance with budget policies. He asked Council to consider whether the transfer should be maintained per the policy or reduced. In addition he asked for direction regarding including an amount in the rate adjustment for PCE/TCE Environmental Abatement Program (EAP) costs.

Mr. Prima reported that the Water Fund provides the operation and capital expenses for providing fresh water to Lodi residents. Last year a decision was made to purchase water from the Woodbridge Irrigation District to help reduce the City's reliance on groundwater, which is overdraft in the Lodi area and is a resource that is not being replenished. The cost for the contract was \$1.2 million a year. The cost to use that water, whether through a treatment plant, groundwater recharge, etc., is still being studied. The Water Fund is near zero and has been paying for the EAP litigation. Staff suggests that revenue be increased to the Water Fund by \$1.2 million per year (i.e. 24% increase) to cover this cost.

The Wastewater Fund takes care of collection of domestic waste and also includes the storm drainage program. It handles the wastewater treatment and the discharge requirements that come from the State regarding discharge to the Delta. The City has embarked on a major capital improvement program to upgrade the White Slough Treatment Facility. Phase 1 was initiated last year. Currently the City is at Phase 2 and is ready to install equipment that the Council authorized purchase of last December. The City purchased \$3.5 million dollars worth of filters and disinfection equipment and is ready to go out to bid for the installation of the equipment. The total project is \$15 to \$20 million including the cost of the equipment. Staff will return to Council with financing options. Increased debt service related to the Phase 2 project is estimated at \$2 million a year. In addition to the debt service there will be an additional \$500,000 a year needed for operations costs.

Mr. Prima explained that in addition to monthly service charges for wastewater, Public Works charges a capacity fee, which is a new connection fee that is charged to all new hook ups to the system. It helps pay for the wastewater plant and other major citywide improvements related to wastewater. The fee is currently \$2,099 for a two-bedroom home and may be increased to \$3,600. Staff will return to Council for approval of the fee increase.

Mr. Prima recalled that previously rate increases were suggested for July 2004 and July 2005; however, it was later determined that in order to issue additional debt in this fiscal year, the rate increase will have to be effective in May 2004. Debt service on a 1991 Certificate of Participation (COP) that runs through 2027 is \$800,000 per year. When Phase 1 began, \$5 million was borrowed through the California Statewide Community Development Authority for a 20-year period with a debt service of \$380,000 per year. The proposed 2004 COP is \$25 million, which would cover the cost of the equipment that was purchased in December, its installation, and funding to acquire additional land at White Slough, as well as to move forward with Phase 3 project design and environmental work. Debt service on a 20-year basis would be \$2 million a year, and \$1.6 million a year for a 30-year term.

Mr. Prima recalled that a couple of years ago the City began a replacement program for its aging infrastructure. Council adopted a series of rate increases, both in Water and Wastewater to replace the 80- to 100-year old pipes. Last year the first project was completed for just over \$1 million. Staff hopes to come back to Council this summer for approval to begin the next project that is estimated to cost \$2.7 million, of which two-thirds would be paid from the Water fund and one-third from the Wastewater fund. A number of other small projects are planned such as replacing sewer lines due to the groundwater PCE/TCE contamination. He noted that the sewer line south of Pine Street between Church and Hutchins Street was replaced last year at a cost of \$110,000.

RECESS

At 9:05 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:13 p.m.

I. REGULAR CALENDAR (Continued)

I-2 Council Member Land pointed out that utility bills separately list amounts for the water and (Cont'd.) wastewater replacement programs. This leads customers to believe that the money goes into special accounts to pay for replacement cost of infrastructure.

Mr. Prima explained that the Water and Wastewater funds are separate funds within the entire City operation and within these funds there are sub funds. Account 17.0 receives all the revenue from rates, both infrastructure replacement and the service charge for Wastewater. Account 17.1 is the capital outlay fund that pays for all capital projects except for White Slough. Recently a process has begun where the revenue from the replacement amount (shown on utility bills as a separate item) is automatically transferred from 17.0 to 17.1. As of today, the trial balance shows that the Wastewater capital outlay fund has \$2.6 million and the Water fund has \$2 million. Mr. Prima noted that if there is a shortage in one fund, the other fund automatically makes it up. In Water there is an operating fund, capital outlay fund, impact mitigation fee sub fund, and PCE/TCE expense sub fund; in total the balance of these funds is less than \$1 million. Mr. Prima recalled that when the EAP litigation began, the Water fund had just received a \$6 million settlement from a previous lawsuit regarding the chemical DBCP that was in the groundwater. That money is nearly gone now. He stated that the Water fund cannot continue to pay EAP litigation costs for very much longer without it affecting other funds. He asked Council to consider whether the Wastewater fund should be paying for some of this cost.

Mr. Prima reported that the revenue in the Water fund is \$5.6 million. He reiterated that to raise an additional \$1.2 million will mean a 24% increase in rates. If the in-lieu of taxes transfer was reduced from 12% to 10%, then the rate increase only needs to be 21.3% to provide the additional \$1.2 million in the Water fund.

Council Member Howard felt that money should be allocated so that bills from the law firms of Barger and Wolen and Kronick Moskovitz Tiedemann & Girard can be paid in a timely manner.

Mayor Hansen stated that the City will have some degree of responsibility in terms of the sewer system and there could be a cost that the City will have to contribute in the overall EAP settlement. There are still a lot of issues that need to be resolved in terms of the financing, recovery, and insurance companies. There are additional funds that the City has the potential to bring to the table from insurance companies that will hopefully offset some of the cost.

Mr. Prima reviewed monthly rate comparisons from other San Joaquin County agencies and cities, as outlined in the staff report. He recommended that there be one set of eligibility requirements for all utilities for the City's low-income discount programs and that the discount be set by resolution. Currently the discount is 10%.

Council Member Land suggested that the discount be tiered so that the percentage is greater for those with very low household incomes. He pointed out that the current policy states, "once the application is approved it is up to the applicant to notify the Finance Department within 30 days of becoming ineligible." He recommended that it be changed so that once a year, or every two years, by April 15 the program participants are required to bring in their income tax statement so that their continued eligibility can be verified.

In reference to the in-lieu of tax transfer, Mayor Hansen, and Council Members Howard and Land preferred that a revenue neutral process be used.

Mayor Pro Tempore Beckman voiced support for reducing the in-lieu transfers.

Mr. Prima asked whether Council wanted an allowance made for the EAP litigation costs.

Mayor Pro Tempore Beckman favored a rate increase to cover the cost; however, he asked that a determination be made on the exact cost and that it be described on the utility bill with an end date listed. Mr. Beckman stated that he would not vote for increases unless an end date was specified.

Council Members Land and Howard were opposed to any increase in rates related to the EAP litigation. Mr. Land stated that the responsibility lies with the insurance companies and the business owners who contributed to the contamination. He expressed his opinion that DTSC should be the lead agency and that the State take over enforcement. Mr. Land pointed out that prior to terminating the contract with Envision Law Group, it had been accruing and holding its bills, and would only have received reimbursement if the City prevailed in court.

Interim City Attorney Schwabauer commented that funding has been coming from a loan that is now depleted and there has to be a new source.

Deputy City Manager Keeter suggested that a closed session be scheduled to discuss the matter further prior to Public Works coming back with a recommendation for the rate adjustment.

Council concurred that the COPs be for a term of 20 years with a call date / option to refinance.

In regard to the low-income discount program, Mayor Hansen asked Mr. Prima to return to Council with figures for discounts of 10%, 20%, 25%, 30%, and 35%.

Council Member Howard stated that a discount amount, which negates the rate increase, would be as high as she would want it to go. She was more agreeable to increasing eligibility and leaving the percentage rate at 10%.

PUBLIC COMMENTS:

- Eileen St. Yves reported that her 86-unit apartment complex is currently paying over \$1,000 a month for infrastructure replacement fees. Every time a rate is increased it works against affordable housing. She pointed out that the City's fiscal year begins in July, yet most businesses begin in January, which should be taken into consideration. She preferred that the rates be increased according to a cost of living adjustment so that it can be budgeted for.

MOTION / VOTE:

There was no Council action taken on this matter.

- I-3 "Introduce ordinance repealing and reenacting Lodi Municipal Code §13.04.130 establishing low-income discounts for water, sewer, and refuse services" was ***pulled from the agenda and continued to the regular City Council meeting of March 3, 2004.***

- I-4 "Discussion of City Attorney recruitment"

Human Resources Director Narloch stated that she would like to meet with Council prior to the close of the filing period on April 16 to determine screening criteria and develop a profile for the position. This information will also be utilized when checking references. She noted that Council appointees receive 1% less in deferred comp match than do all other employees in the City. In addition, appointees' life insurance is less than department heads and they are not contributing toward their medical insurance premiums. She suggested that Council consider this when negotiating benefits with the new City Attorney.

Mayor Hansen mentioned that if the March 2 state bond measure fails and the City must make significant budget cuts, Council may want to consider whether it wants to go forward with having two city attorneys under tight budget constraints.

Council Member Land felt that the recruitment process should continue.

Mayor Pro Tempore Beckman pointed out that it may be more expensive to continue the services of outside counsel, than it would to have two in-house attorneys, and suggested that a cost comparison be done.

MOTION / VOTE:

There was no Council action necessary on this matter.

- I-5 "Adopt resolution authorizing the City Attorney's Office to hire a contract docket clerk to assist with the Environmental Abatement Program litigation and appropriate funds for this expense (\$5,000)"

Interim City Attorney Schwabauer estimated that he would need the services of a contract docket clerk for four to five months. An hourly contract rate of \$24, without benefits, will be paid.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Land second, adopted Resolution No. 2004-30 authorizing the City Attorney's Office to hire a temporary contract docket clerk to assist with the Environmental Abatement Program litigation and appropriated funds in an amount up to \$5,000 from the Wastewater Fund for this expense. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Land announced that the American Red Cross CPR Saturday event would be held on March 13. He asked that the policy regarding a City match for money raised by Hutchins Street Square be brought back to Council for consideration. He suggested that the match be increased to \$2 for \$1 as an incentive for one year.

Deputy City Manager Keeter recalled that the policy began as a dollar for dollar match and was lowered to 50 cents to the dollar. She stated that the policy will be brought to Council in March or the first part of April.

- Mayor Hansen congratulated Mayor Pro Tempore Beckman on the recent one-year anniversary of his marriage.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Deputy City Manager Keeter noted that the City Manager regretted not being present this evening, due to illness.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:43 p.m., in memory of: 1) Mendes "Duke" Nepote, who was active in Lodi's Sister City Committee for many years (passed away on February 12); 2) Jerald Kirsten, former Lodi Mayor (passed away on February 15); and 3) Ralph Hitchcock, father of Council Member Susan Hitchcock (passed away on February 17).

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 24, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 24, 2004, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

C. TOPIC(S)

NOTE: Items were heard out of order as listed.

C-2 "Traffic improvements at Maxwell Street and Stockton Street"

Public Works Director Prima recalled that Council previously took action to abandon a portion of Neuharth and Ackerman Drives to create a cul-de-sac at Maxwell Street. Staff was advised to return to Council with recommendations for traffic improvements prior to the abandonment taking place.

Paula Fernandez, Traffic Engineer, reported that in January staff held a public information meeting to discuss alternative traffic safety improvements and gather input from the businesses affected by the abandonment. Over 15 businesses attended the meeting. A 64-foot truck test in the field indicated that additional no parking was needed at Maxwell Street and Ackerman Drive (i.e. 20 feet on each street). Widening Maxwell Street at the intersection will accommodate larger trucks. Staff intends to return to Council in closed session to discuss right of way acquisition. Any modifications that are made at the intersection of Maxwell and Stockton Streets would need to be implemented prior to the start of Cottage Bakery's construction. Cottage Bakery plans to have the abandonment complete by spring 2004.

Ms. Fernandez noted that the level of service methodology is described in the staff report (filed). Maxwell and Stockton Streets intersection operates at a level of service C. Traffic counts were taken in the winter. A seasonal adjustment was made because there are higher volumes in the summer. Staff recommends the improvements as shown on Exhibit B (filed), i.e. 100 feet on the north side of Maxwell Street, 46 feet on the south side of Maxwell Street, and 17 feet on the west side of Stockton Street. These changes will result in a loss of eight parking spaces and will accommodate the stripping modifications that are being recommended for the intersection. Once improvements on the east side are made, 49 parking spaces will be gained between Almond Drive and Elgin Avenue.

Council Member Howard advocated a crosswalk and suggested that the type that has illuminated lights be considered. She felt this was necessary to provide a reasonable form of safety, particularly with the number of parking spaces being added on the east side of the Stockton Street.

PUBLIC COMMENTS:

- Byron Weisz of Cen-Cal Fire Systems stated that he would prefer not to lose the 17 feet in front of his building and hoped that it would be done as a last effort to solve the problem. He reported that two weeks ago on a Thursday at 6:30 p.m. the traffic was backed up from Kettleman Lane past Almond Drive. It took him five minutes to make a left-hand turn on Almond Drive. He believed that traffic studies should also include baseball and soccer season (at Salas Park) and when vehicles have been diverted to these streets due to an accident on Highway 99. Mr. Weisz noted that he has been driving in and out of the intersection since 1979 and has noticed that traffic has dramatically increased since the new homes and school have been built. He recommended that the speed limit be posted at 35 mph. In addition, he encouraged Council to acquire the property on the north side of Maxwell Street and believed that it should have been a condition of the abandonment being accepted in the first place.

Mr. Prima stated that an updated speed survey would be done on Stockton Street once the improvements are complete. He noted that the improvements as recommended on Exhibit B can be done without further Council action. Staff may return to Council for discussion and possible approval of a crosswalk.

Mayor Hansen stated that radar enforcement would be done in an attempt to impact and slow down traffic.

- Phil Pennino asked whether it would be considered jaywalking to park on the east side of Stockton Street and walk directly across the street, rather than using the proposed crosswalk. Mayor Hansen replied that it would not be considered jaywalking.

C-1 "Traffic improvements at Elm Street and Mills Avenue"

Paul Fernandez, Traffic Engineer, reported that the City has an opportunity to accept a Federal Safe Route to School grant for safety improvements at the Elm Street and Mills Avenue intersection. The grant is in the amount of \$128,700 for intersection bow-outs or curb extensions with a local match of approximately \$14,300, for a total of \$143,000. Staff is concerned about traffic impacts from Millswood Middle School once it opens in July.

Ms. Fernandez stated that the advantages of the bow-outs are: 1) they provide a shorter distance for pedestrians to cross the street, 2) they reduce the speed of turning cars, and 3) they can reduce the number of approaching cars. Ms. Fernandez noted that right-turn vehicles can be eliminated by constructing a larger bow-out. Disadvantages include: 1) it is difficult for trucks to turn right, 2) traffic can be delayed if the bow-outs are extended, which eliminates right-turn movements, and 3) pedestrians tend to be closer to turning vehicles. Ms. Fernandez noted that mitigation to this would be to install bollards at the corners. Advantages to a signal include: 1) improving traffic flow, 2) pedestrians are provided a designated time to cross, and 3) air quality improvement. Disadvantages to a signal are: 1) they can cause an increase in rear-end collisions, 2) the severity of collisions are higher because speeds are higher, and 3) increase in maintenance costs.

Ms. Fernandez reported that staff met with principals and the resource officer for the schools affected. Reese School wants bow-outs and a traffic signal. Millswood Middle School prefers the bow-outs only, as they are concerned that parents would not be able to exit onto Mills Avenue if a signal is installed at the intersection.

Staff performed afternoon and evening peak counts and calculated the level of service using the projections. Existing conditions at the intersection are at a level of service C. With a two-face signal the level of service would be improved to B. If arrows were added to the signal, the level of service would decrease because the delay would be higher. There will be heavy southbound left-turn movement at Mills Avenue and Elm Street, which will likely

require a left-turn lane on Mills Avenue. Staff is concerned that if the bow-outs are implemented and they are too large, it will limit options later if they need to be removed for a left-turn lane. Ms. Fernandez suggested that a request for an extension on the grant be made to allow time to obtain accurate counts after Millswood Middle School opens. In addition, a request could be made to change the scope to either a traffic signal, or a traffic signal with bow-outs.

Council Member Howard voiced a preference for a signal without bow-outs, because it would allow for making a right turn independently from the signal.

Mr. Prima replied that given the number of school children in the area, staff would seriously consider prohibiting right turns on a red light.

Council Member Land and Mayor Hansen favored Option B as indicated in the staff report, i.e. traffic signal and bow-outs.

PUBLIC COMMENTS:

- Steve Herzfeldt stated that he has children that will be going to both schools. He expressed concern that if improvements are not made at the intersection, traffic will back up and impatient parents will let their children out of their cars creating a safety issue. He recommended that an extension request of the grant be made so that additional studies and projections can be conducted prior to deciding on a design for the intersection.
- Charlie Swimley stated that he has two children that attend Reese Elementary School. He reiterated that statistics show that traffic accidents increase when there are signalized intersections. This has been evidenced at Ham Lane and Century Boulevard where there has been an increase in accidents after the signal was installed. He noted that there is a drop off area just east of Mills Avenue and if cars were traveling 35 mph in an area where vehicles were entering back into the traffic flow, it would create a safety hazard. A signal would improve the level of service only during the peak p.m. period. At all other times during the day the level of service would remain at C. He stated that there are other options that would be less expensive and improve the traffic flow, such as adding left-turn lanes. He expressed concern that signalized intersections create a more fluid environment for young students to negotiate. In addition he indicated that he would be opposed to allowing a right turn on red at a signal. He recommended that a grant extension be requested to allow time to obtain actual data once the Millswood Middle School opens.

Mr. Prima also recommended that a grant extension be made and more analysis be conducted. He did not believe it was necessary to get Council direction to do so.

Wally Sandelin, City Engineer, recognized Paula Fernandez and Tiffani Fink for their efforts in securing grant funds.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:02 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 2, 2004**

The March 2, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for the Water/Wastewater Replacement Program (Project No. 2)

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications for the above project and authorize advertising for bids.

BACKGROUND INFORMATION: The Water/Wastewater Replacement Program is systematically replacing and, where needed, upgrading existing water and wastewater infrastructure within the oldest areas of the City. The wastewater pipelines are mostly constructed of terracotta or concrete pipe, and the waterlines are largely constructed of small diameter, cast iron or steel pipe. The majority of these pipes are in need of rehabilitation and/or replacement. Project No. 2 is the second project scheduled in this program and will tie into the improvements installed as part of Project No. 1 completed in the Spring of 2003.

The limits of Project No. 2 (see attached map) were defined using the same ranking system as in Project No. 1. The ranking system is based on a) input provided by maintenance staff most familiar with the water and wastewater system and b) a focus on areas containing substandard, 2-inch diameter water mains. An additional project area non-contiguous to Project No. 2 may be included in response to the PCE/TCE settlement efforts and would be in the vicinity of the Busy Bee property.

As with Project No. 1, most of the wastewater lines within the Project No. 2 limits are located in backyards. Staff is again recommending the predominant use of trenchless methods of rehabilitation to minimize surface disruption. Closed circuit television video performed by City crews was used to assess the most appropriate methods of pipeline rehabilitation ranging from in-situ pipe lining to traditional open cut replacement.

The existing 2-inch water mains, also located in backyards, are to be abandoned and replaced with new 8-inch diameter mains located in the street right of way. These improvements will increase water pressure and fireflow service, as well as reduce maintenance costs by enhancing access to the improvements.

Project No. 2 includes the installation of 7,000 linear feet of 8-inch diameter water main; the rehabilitation of 11,700 linear feet of existing wastewater pipeline, and the abandonment of approximately 12,100 linear feet of existing 2-inch water main.

FUNDING: The money for this project will be coming from the Water and Wastewater Main Replacement Fund. A request for appropriation of funds will be made at contract award.

Project Estimate:	\$2.8 million
Budgeted:	03/04 fiscal year
Planned Bid Opening Date:	May 2004

Richard C. Prima, Jr.
Public Works Director

Prepared by Charlie Swimley, Senior Civil Engineer
RCP/CES/pmf
Attachment

cc: Joel Harris, Purchasing Officer
Wes Fujitani, Senior Civil Engineer

F. Wally Sandelin, City Engineer
Sharon Welch, Senior Civil Engineer

Paula Fernandez, Senior Traffic Engineer

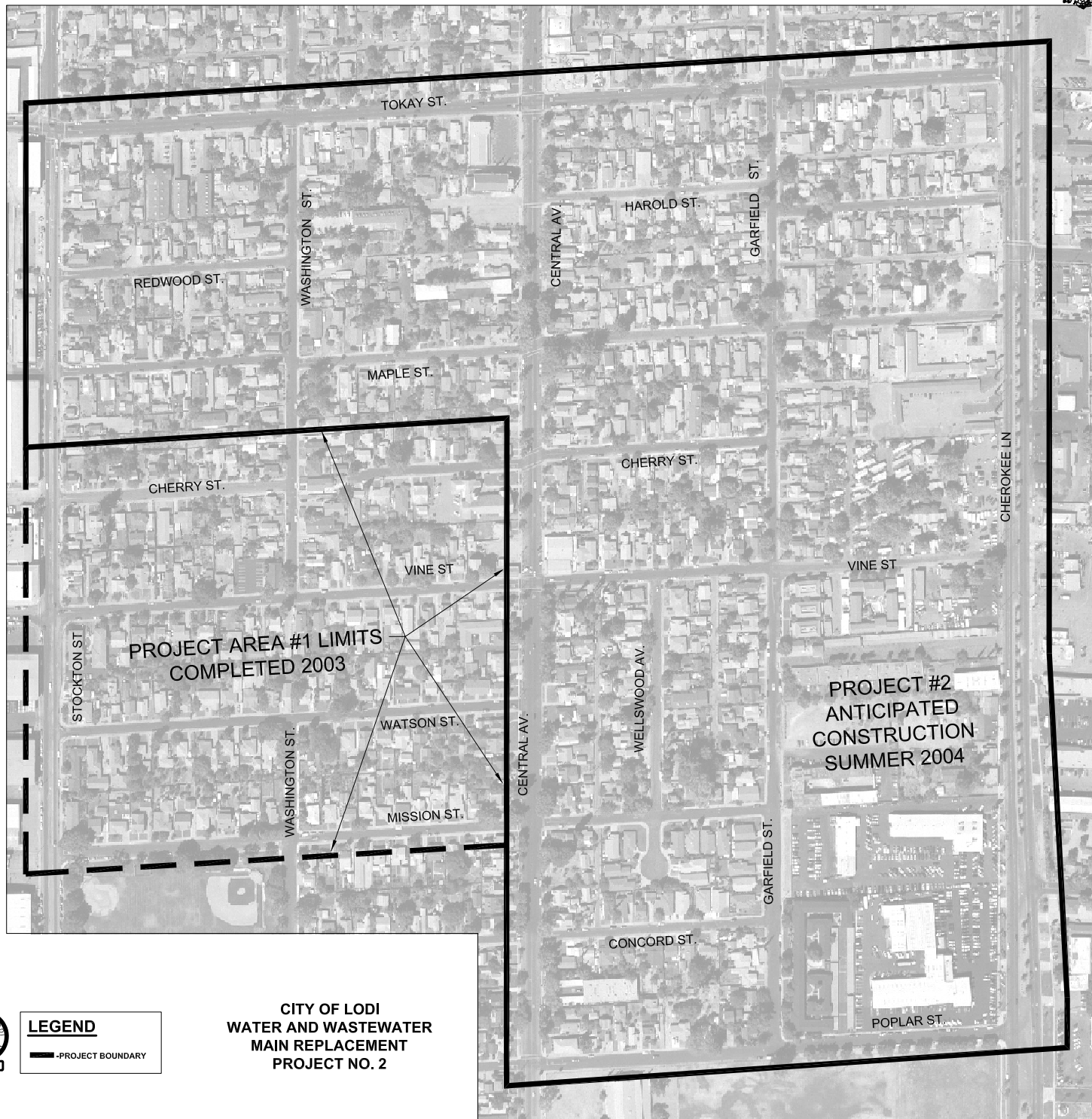
APPROVED: _____
H. Dixon Flynn, City Manager



LEGEND

— PROJECT BOUNDARY

**CITY OF LODI
WATER AND WASTEWATER
MAIN REPLACEMENT
PROJECT NO. 2**





CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids for the Standby Generator at Well 22 and Authorizing the City Manager to Award the Contract (Up to \$150,000)

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the plans and specifications for the above project, authorize advertising for bids, and authorizing award of the contract by the City Manager up to \$150,000.

BACKGROUND INFORMATION: This project will furnish and install a standby generator at Well Site 22. The water system technical report done for the 1991 General Plan recommended that one-third of the City wells be equipped with standby power, since the system has minimal above ground storage. The City currently has 24 active wells with six standby generators. Additional generators will be added in the future to provide the City with back-up power at one-third of our well sites.

The plans and specifications will be on file in the Public Works Department.

FUNDING: The money for this project will be coming from the Water Capital Outlay Fund.

Project Estimate: \$150,000
Budgeted: 2003/04 fiscal year
Planned Bid Opening Date: May 5, 2004

FUNDING:

Vicky McAthie, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
RCP/WKF/pmf
Attachments
cc: Purchasing Officer
Frank Beeler

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING PLANS AND
SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR
THE STANDBY GENERATOR AT WELL 22 AND FURTHER AUTHORIZING
THE CITY MANAGER TO AWARD THE CONTRACT UP TO \$150,000.00

=====

WHEREAS, this project will furnish and install a standby generator at Well Site 22; and

WHEREAS, the water system technical report done for the 1991 General Plan recommended that one-third of City wells be equipped with standby power, since the system has minimal above ground storage; and

WHEREAS, the City has 24 active wells with six standby generators. Additional generators will be added in the future to provide the City with back-up power at one-third of the City wells; and

WHEREAS, staff recommends approval of the plans and specifications and authorizing advertisement for bids for the Standby Generator at Well 22 , and further recommends that the City Manager be authorized to award the contract up to \$150,000.00.00 for this project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the plans and specifications and authorize advertisement for bids for the Standby Generator at Well 22 ; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to award contract up to \$150,000.00.00 for the Standby Generator at Well 22 .

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution approving specifications and authorizing advertisement for bids for low-voltage fuses and fuse holders, and authorizing the City Manager to approve the purchase (\$20,000) (EUD)

MEETING DATE: March 17, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the specifications and authorizing advertisement for bids for various sizes of low-voltage fuses and fuseholders for the Electric Utility Department, and authorizing the City Manager to approve the purchase.

BACKGROUND INFORMATION: The Electric Utility Department recently changed the specifications for streetlighting systems. The new specifications require protection, in the form of fuses, to be installed at each streetlight.

These fuses will increase the reliability of the system, especially on circuits having multiple lights, and will improve staff's ability to troubleshoot problems. The material listed below will be used in the first phase of the retrofitting the existing streetlighting system.

<u>Fuses</u>	<u>Quantity</u>	<u>Fuseholders & Insulating Boots</u>	<u>Quantity</u>
3A 600VAC Fast-Acting	1000	CooperBussman Holder HEB-JJ	1000
5A 600VAC Fast-Acting	200	Insulating Boot 1-line #2A0660	2000
7½-8A 600VAC F-Acting	100	Insulating Boot 2-line #2A0661	1000
10A 600VAC Fast-Acting	50		
15A 600VAC Fast-Acting	50		
20A 600VAC Fast-Acting	50		
30A 600VAC Fast-Acting	50		

FUNDING: 161633 - Electric Utility Department 2003-2005 Financial Plan and Budget
Estimated Cost: \$20,000

Funding Approval: _____
Vicky McAthie, Finance Director

BID OPENING: March 31, 2004

Alan N Vallow, Electric Utility Director

PREPARED BY: Joel Harris, Purchasing Officer

Attachment: Specifications
cc: Manager, EUD Engineering and Operations

APPROVED: _____
H. Dixon Flynn, City Manager

Equipment Specifications
March, 2004

I. FUSES

600VAC, Fast-Acting

10.3mm x 38.1mm

Interrupting Rating 100,000A

UL Listed

Bussman Limitron and Littelfuse Part Numbers listed herein have been approved for use in the Lodi Electric System. Other approved equals may be offered by bidder.

Rating (Amps)	Bussman Limitron Part No.	Littelfuse Part No.	Order Qty
3	KTK-3	KLK003	1000
5	KTK-5	KLK005	200
7.5 – 8	KTK-7.5	KLK008	100
10	KTK-10	KLK010	50
15	KTK-15	KLK015	50
20	KTK-20	KLK020	50
30	KTK-30	KLK030	50

II. FUSEHOLDERS & INSULATING BOOTS

CooperBussman in the sole approved manufacturer for the following items:

1. Tron® In-Line Non-Breakaway Fuseholder, **#HEB-JJ**
Load Terminal: #12 to #3 wire size, 1 wire, copper set screw
Line Terminal: #12 to #3 wire size, 1 wire, copper set screw

Order Quantity: 1000

2. Insulating boot for in-line fuseholder:
#2A0660 Single Conductor

Order Quantity: 2000

#2A0661 Two Conductor

Order Quantity: 1000

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING SPECIFICATIONS AND
AUTHORIZING ADVERTISEMENT FOR BIDS FOR LOW-VOLTAGE FUSES AND
FUSE HOLDERS AND FURTHER AUTHORIZING THE CITY MANAGER TO AWARD
THE CONTRACT UP TO \$20,000.00

WHEREAS, the Electric Utility Department recently changed the specifications for street lighting systems; and

WHEREAS, the new specifications require protection in the form of fuses to be installed at each streetlight; and

WHEREAS, these fuses will increase the reliability of the system, especially on circuits having multiple lights, and will improve staff's ability to troubleshoot problems. The material listed below will be used in the first phase of the retrofitting the existing streetlighting system.

<u>Fuses</u>	<u>Quantity</u>	<u>Fuseholders & Insulating Boots</u>	<u>Quantity</u>
3A 600VAC Fast-Acting	1000	CooperBussman Holder HEB-JJ	1000
5A 600VAC Fast-Acting	200	Insulating Boot 1-line #2A0660	2000
7½-8A 600VAC F-Acting	100	Insulating Boot 2-line #2A0661	1000
10A 600VAC Fast-Acting	50		
15A 600VAC Fast-Acting	50		
20A 600VAC Fast-Acting	50		
30A 600VAC Fast-Acting	50		

WHEREAS, staff recommends approval of the specifications and authorizing advertisement for bids for low-voltage fuses and fuse holders, and further recommends that the City Manager be authorized to award the contract up to \$20,000.00 for this project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the specifications and authorizes advertisement for bids for low-voltage fuses and fuse holders; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to award contract up to \$20,000.00.00 for low-voltage fuses and fuse holders .

Dated: March 17, 2004

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to award the purchase of a Fiber Optic Control Building to the low bidder, E-3 Systems of Union City, CA (\$32,094.64) (EUD)

MEETING DATE: March 17, 2004

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the bid for the purchase of a Fiber Optic Control Building to the low bidder, E-3 Systems of Union City, CA. in the amount of \$32,094.64.

BACKGROUND INFORMATION: On February 4, 2004, the City Council approved specifications and authorized advertisement for bids for the purchase of a Fiber Optic Control Building.

The following bids were received, and opened on February 25, 2004:

<u>Bidder</u>	<u>Amount</u>
E-3 Systems, Union City, CA	\$32,094.64
Rockway Precast, Las Vegas NV	\$33,713.26
Fibrebond, Inc., Minden, LA	\$29,550.01

The apparent low bidder did not meet specifications. The specifications called for an 11'6" X 20-foot building and the apparent low bidder submitted an 11'6" X 16-foot building for their bid. The apparent low bidder has been informed of the above recommended action and that he/she will be given the opportunity to address the City Council at the meeting should they wish to do so.

The recommended bid was \$7,094.64 over the engineer's estimate mainly due to increased costs for steel and transportation. The increase cost will be covered by the contingency funds for this project. In addition to the building cost approved with this action, a structural engineer will design a grade beam foundation and a contractor will construct the foundation in the Henning Substation site at an estimated cost of \$4,000.

FUNDING: Included in the 2003-2005 Financial Plan and Budget.
Business Unit 161685

Funding Approval:

Vicky McAthie, Finance Director

Alan N. Vallow
Electric Utility Director

PREPARED BY: Al Smatsky, Senior Electrical Estimator
ANV/AS/lst
cc: City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE BID FOR THE PURCHASE OF A
FIBER OPTIC CONTROL BUILDING

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council sealed bids were received and publicly opened on February 25, 2004, at 11:00 a.m. for the purchase of a Fiber Optic Control Building described in the specifications therefore approved by the City Council on February 4, 2004; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Amount</u>
E-3 Systems, Union City, CA	\$32,094.64
Rockway Precast, Las Vegas, NV	\$33,713.26
Fibrebond, Inc., Minden, LA	\$29,550.01

WHEREAS, the City Manager recommends award of the bid for the purchase of a Fiber Optic Control Building be made to the low bidder, E-3 Systems of Union City, California, in the amount of \$32,094.64.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the bid for the purchase of a Fiber Optic Control Building be and the same is hereby awarded to the low bidder, E-3 Systems of Union City, CA, in the amount of \$32,094.64.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt resolution authorizing the purchase of 35 ballistic vests from LC Action Police Supply of San Jose (\$25,757.64) (PD)

MEETING DATE: March 17, 2004

PREPARED BY: Police Chief

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the purchase of 35 replacement ballistic vests from LC Action Police Supply of San Jose, using a combination of Santa Clara County contract prices for Threat Level II vests and quoted prices for Threat Level IIIA vests totaling \$25,757.64.

BACKGROUND INFORMATION: The Police Department annually replaces a third of its officers' vests prior to the vests' expiration dates. Maintaining such a replacement program helps assure officers have maximum protection and safety.

For this purchase staff recommends using a combination of Santa Clara County/LC Action contract pricing for 16 Safariland Matrix Platinum Threat Level II vests at \$569 each plus tax, and LC Action's quoted price of \$779 plus tax for 19 Safariland Matrix Platinum Threat Level IIIA vests. In comparison, Image Uniforms of Stockton quoted \$585 and \$775 each, plus tax, respectively, for the Level II and Level IIIA vests, while Adamson Police Supply of Oakland couldn't provide a comparable contract, and didn't respond to staff's request for pricing. LC Action's prices include onsite fitting for each of the 35 officers receiving a replacement vest.

Lodi City Code Section 3.20.070 allows for dispensation of the bid process when the City Council determines that an alternative method of purchase is in the best interest of the City. Since the number of Safariland-authorized suppliers in the greater Lodi area is limited to the three companies named above, staff believes the best prices are afforded through existing agency contracts. Since LC Action offers the best price for Level II vests through the Santa Clara County contract, and a reasonable price for the Level IIIA vests, it is staff's recommendation that the City Council authorize the purchase of both levels of vest from LC Action.

FUNDING: Police Department 2003-2005 Financial Plan and Budget, Operating Fund, to be reimbursed 50% by the U.S. Department of Justice, Bureau of Justice Administration, Bulletproof Vest Partnership. Cost: \$25,757.64

Vicky McAthie, Finance Director

Jerry Adams, Chief of Police

Prepared by Joel Harris, Purchasing Officer
cc: Betsy Peterson, Police Administration

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE PURCHASE OF THIRTY-FIVE (35)
BALLISTIC VESTS FOR THE POLICE DEPARTMENT

=====

WHEREAS, Lodi Municipal Code, §3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interests of the City to do so; and

WHEREAS, the Lodi Police Department annually replaces a third of its officers' ballistic vests prior to their expiration dates under a three-year replacement program to assure that officers' have maximum protection and safety; and

WHEREAS, staff recommends that the City Council authorize the purchase of 35 ballistic vests using a combination of Santa Clara County/LC Action contract pricing for 16 Safariland Matrix Platinum Threat Level II vests at \$569.00 each plus tax, and LC Action's quoted price of \$779.00 plus tax for 19 Safariland Matrix Platinum Threat Level IIIA vests.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the purchase of 16 Safariland Matrix Platinum Threat Level II vests at \$569.00 each plus tax, and 19 Safariland Matrix Platinum Threat Level IIIA vests at a cost of \$779.00 plus tax from LC Action Police Supply of San Jose, CA in the total amount of \$25,757.64.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004 by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the Purchase of 68 Chairs from Warden's Outlet Center of Modesto for the New Police Facility Community Room (\$8,270)

MEETING DATE: March 17, 2004

PREPARED BY: Chief of Police

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the purchase of 68 chairs from Warden's Outlet Center of Modesto for the New Police Facility Community Room.

BACKGROUND INFORMATION: The Police Department has purchased "used" tables for use throughout the facility, including the community room. There is a need for storable, stackable seating in the community room to allow flexibility in use of the room. Police staff have reviewed several different chairs and selected the HON stackable chair with a metal frame. They have negotiated the price with Warden's Outlet Center to purchase and deliver the chairs. The purchase also includes two 4-chair fixed seating units for use in the main lobby waiting area. (See attached sales quote.)

The chairs are needed to allow the full use of the community room and to accommodate the public waiting at the main lobby. This is a one-time sole-source purchase based on the Police Department staff research and negotiations.

FUNDING: There are sufficient funds in the Police Facility Project appropriations to fund this purchase (\$8,267.85).

Vicky McAthie, Finance Director

Jerry Adams
Chief of Police

Prepared by Gary Wiman, Construction Project Manager

GRW/pmf

Attachment

cc: Joel Harris, Purchasing Officer
Gary Wiman, Construction Project Manager
Captain Larry Manetti

APPROVED: _____
H. Dixon Flynn, City Manager



610 N. 9th Street
Modesto, Ca. 95350
Ph: (209) 758-6706
Fax: (209) 544-2037
800-456-8659

ATTN: Matt Weaver

Book No.

SALES QUOTE

Employee		Dates	
Name	Matt Weaver	First Contact	
Position		Quote Issued	2/5/04
Order Type		Accept/Reject	
		Cust Initial	

Manufacturer #	Description	Quantity	Unit Price	TOTAL
487	Guest Chair, HON Stackable w/ metal frame	60	\$100.00	\$6,000.00
487	Lobby Set, 4 chairs plus tables and connectors. Includes all hardware for connecting unit as seen in catalogue.	2	\$799.99	\$1,599.98
Card: BP Prisma Color: 47 Autumn				

Customer		Account #
Company	Lodi Police Dept.	Contact Laurelee
Address		
City		
ZIP		
Phone	209.333.6800	Email
		Fax 209.333.6792

Taxes	
SUB TOTAL	\$7,599.98
DELIVERY	\$100.00
Taxes	7.33%
	\$567.87
	\$0.00
TOTAL	\$8,267.85

Notes

Status

☐ Established Customer ☐ New Customer ☒ Prospective Customer

Date of Acceptance _____ Purchase Order # _____
Authorization Signature _____

50% NON REFUNDABLE DEPOSIT on all custom ordered products 25% RESTOCKING FEE for in stock product returned

WARDEN'S OUTLET CENTER

6072446001

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE SOLE-SOURCE PURCHASE OF
68 CHAIRS FROM WARDEN'S OUTLET CENTER OF
MODESTO FOR THE NEW POLICE FACILITY
COMMUNITY ROOM

=====

WHEREAS, Lodi Municipal Code, §3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interests of the City to do so; and

WHEREAS, there is a need for storable, stackable seating in the Community Room of the new Police Facility to allow flexibility in use of the room; and

WHEREAS, staff has researched several different chairs and selected the HON stackable chair with a metal frame; and

WHEREAS, staff has negotiated the price with the Warden's Outlet Center to purchase and deliver the chairs, which also includes two 4-chair fixed seating units for use in the main lobby waiting area in the amount of \$8,270.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the sole-source purchase of 68 HON stackable chairs and two 4-chair fixed seating units from Warden's Outlet Center of Modesto for the new Police facility, in the total amount of \$8,270.00.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004 by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Katzakian Park Booster Pump Project

MEETING DATE: March 17, 2004

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council accept the improvements under the Katzakian Park Booster Pump Project contract.

BACKGROUND INFORMATION: The project was awarded to Carson Landscape of Sacramento, on November 5, 2003, in the amount of \$23,980.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

No contract change orders were issued on this project and the final contract price remained unchanged from the original contract price, \$23,980.00.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

Budgeted Fund:	2003/04 Capital Improvement Fund	\$ 21,250.00
	Electric Utility Public Benefits Program	\$ 3,750.00
	Contract Amount:	\$ 23,980.00

FUNDING:

Vicky McAthie, Finance Director

Tony Goehring
Parks and Recreation Director

TG:tl

cc: City Attorney
Joel Harris, Purchasing Officer
PW Department Secretary
Parks Superintendent

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Accepting a Portion of the Improvements in Almondwood Estates, Tract No. 3273

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting a portion of the development improvements for Almondwood Estates, Tract No. 3273.

BACKGROUND INFORMATION: Improvements at Almondwood Estates, Tract No. 3273, include street frontage improvements along Almond Drive and Stockton Street, as well as improvements within the subdivision boundaries. Exhibit A shows the layout of the subdivision.

The development improvements within the subdivision boundaries have been completed in substantial conformance with the requirements of the Improvement Agreement between the City and KB Home North Bay, Inc., as approved by Council on June 7, 2003, and as amended on January 7, 2004. The improvements are shown on City of Lodi Drawings No. 002D120 through 002D137 and 002D150 through 002D164. The interior streets of the subdivision are substantially complete, however, the landscaping and pavement work along Stockton Street and Almond Drive are not complete yet. Staff is recommending that Council accept only the interior streets of this subdivision.

The streets to be accepted are as follows:

Streets	Length in Miles
Elgin Avenue	0.13
Cherrywood Way	0.06
Blackbird Place	0.22
Beechwood Court	0.02
Cedarwood Court	0.02
Driftwood Court	0.02
Oakwood Court	0.02
Ravenwood Way	0.03
Total New Miles of City Streets	0.52

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
RCP/WKF/pmf
Attachment

cc: City Attorney
Associate Traffic Engineer
Chief Building Inspector

Senior Civil Engineer - Development Services
Street Superintendent (w/attachment)

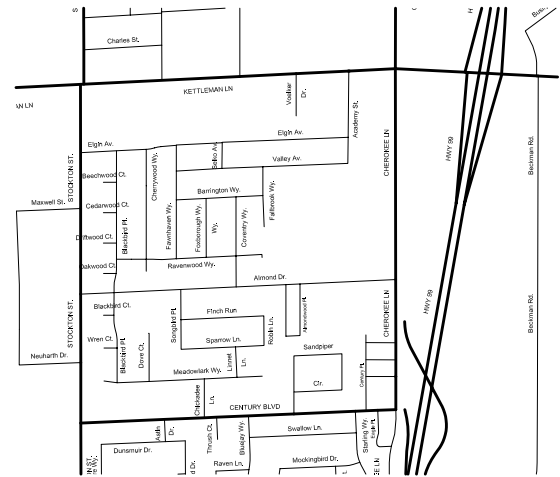
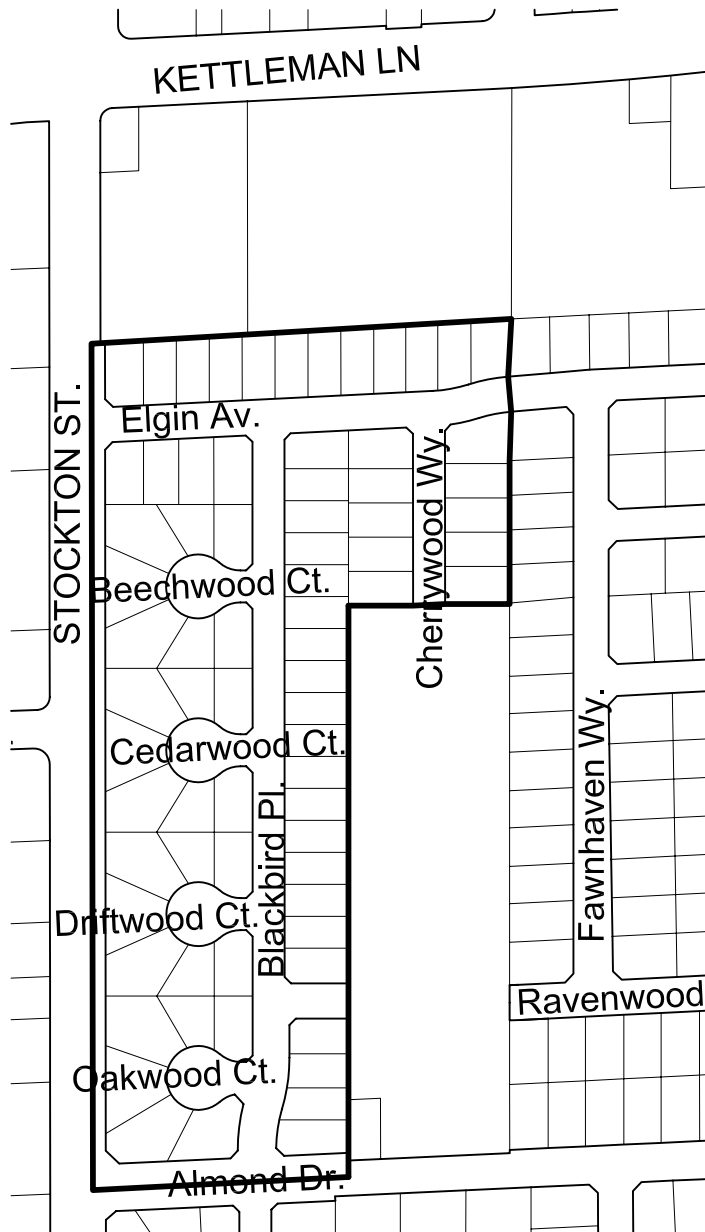
APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALMONDWOOD ESTATES EXHIBIT A



VICINITY MAP

N.T.S.



1" = 300'

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING A PORTION OF
THE DEVELOPMENT IMPROVEMENTS INCLUDED IN THE IMPROVEMENT
AGREEMENT FOR ALMONDWOOD ESTATES, TRACT NO.3273, WITH THE
EXCEPTION OF THE LANDSCAPING AND PAVEMENT WORK ALONG
STOCKTON STREET AND ALMOND DRIVE

=====

The City Council of the City of Lodi finds:

1. That most requirements of the Improvement Agreement between the City of Lodi and KB Home North Bay, Inc., for the improvements in Almondwood Estates, Tract No. 3273, have been substantially complied with. The improvements are shown on Drawing Nos. 002D120 through 002D137 and 002D150 through 002D164 on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on June 7, 2003 and amended on January 7, 2004; and
2. That the interior streets of the subdivision are substantially complete. The landscaping and pavement work along Stockton Street and Almond Drive are not yet complete, and the City Council hereby agrees with staff's recommendation to accept only the interior streets of this subdivision at this time; and
3. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Elgin Avenue	0.13
Cherrywood Way	0.06
Blackbird Place	0.22
Beechwood Court	0.02
Cedarwood Court	0.02
Driftwood Court	0.02
Oakwood Court	0.02
Ravenwood Way	0.03
Total New Miles of City Streets	0.52

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving the Final Map, Improvement Agreement and Water Rights Agreement for Millsbridge II, Tract No. 3343

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the final map, improvement agreement and water rights agreement for Millsbridge II, Tract No. 3343 and direct the City Manager and City Clerk to execute the improvement agreement, water rights agreement and final map on behalf of the City.

BACKGROUND INFORMATION: The subdivision is located north of Tienda Drive and west of Lakeshore Drive, as shown on Exhibit A. The development consists of 24 single-family residential lots.

In order to assist the City in providing an adequate water supply, the developers, R. Thomas Development, Inc., and Tokay Development, Inc., are required, as a condition of tentative map approval, to enter into an agreement with the City that the City be appointed as their agent for the exercise of any and all overlying water rights appurtenant to the proposed Millsbridge II subdivision, and that the City may charge fees for the delivery of such water in accordance with City rate policies. The agreement establishes conditions and covenants running with the land for all lots in the subdivision and provides deed provisions to be included in each conveyance.

The final map is currently being reviewed by San Joaquin County and City staff. If approved by Council, the map will be forwarded to the City Manager and City Clerk for execution when the review process is complete and the signed final map is received from the County.

The developers have furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and a portion of the fees for the proposed subdivision. The Development Impact Mitigation Fees will be paid prior to Council acceptance of the public improvements. Payment has been guaranteed as part of the faithful performance improvement security for the project in conformance with LMC §15.64.040.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachment

cc: Senior Civil Engineer Fujitani
Senior Civil Engineer Welch
R. Thomas Development, Inc.
Tokay Development, Inc.

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE FINAL MAP, IMPROVEMENT
AGREEMENT AND WATER RIGHTS AGREEMENT FOR
MILLSBRIDGE II, TRACT NO. 3343

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Final Map, Improvement Agreement and Water Rights Agreement for Millsbridge II, Tract No. 3343, located north of Tienda Drive and west of Lakeshore Drive, as shown on Exhibit A; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement, Water Rights Agreement and the Final Map on behalf of the City of Lodi.

Dated: March 17, 2003

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2003, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

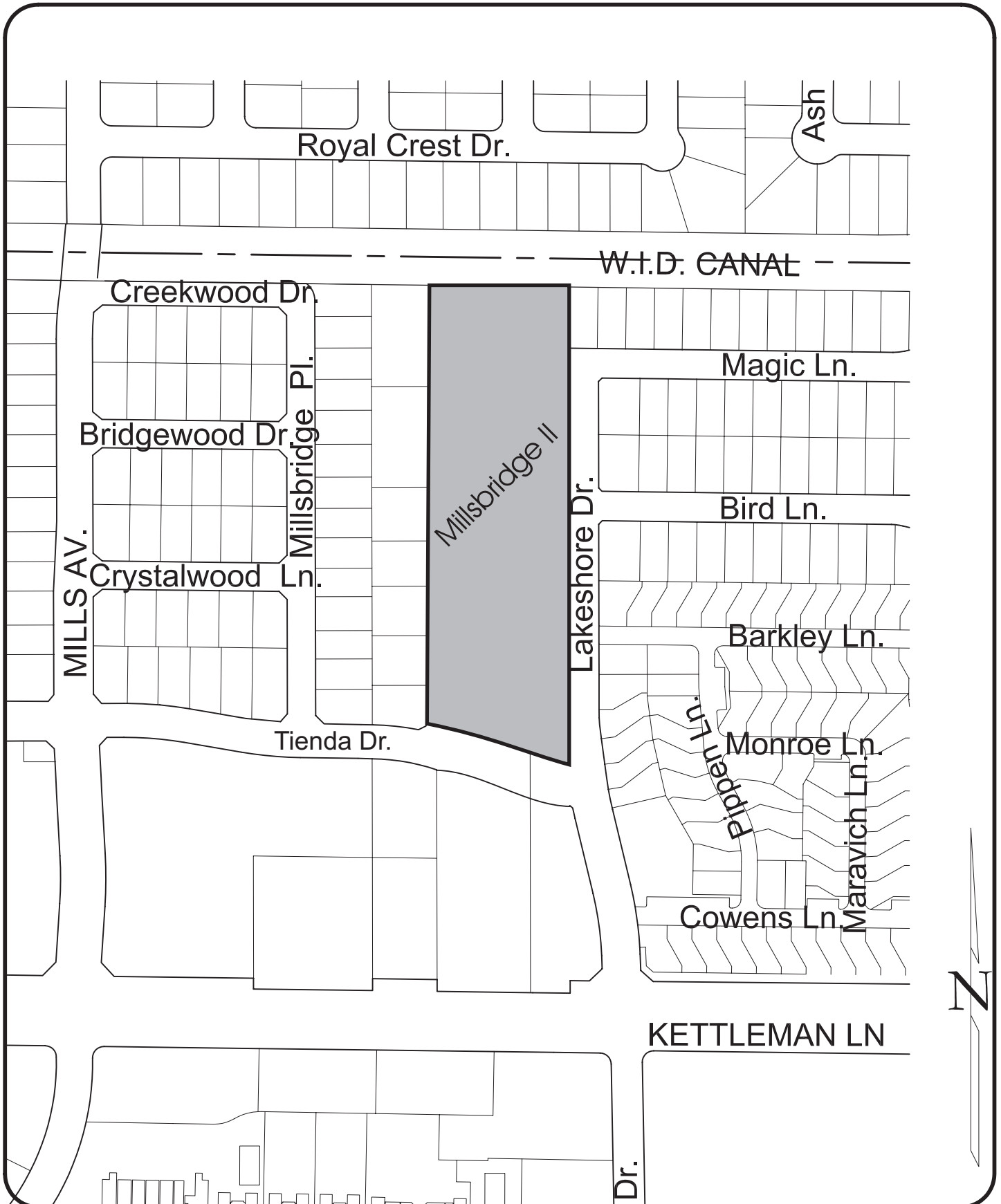
2004-_____



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the City Manger to execute the Letter of Agreement 04-SNR-00637 between the United States of America Department of Energy Western Area Power Administration and with the City of Lodi to provide Shasta Rewinds and daily excess capacity and associated energy (EUD)

MEETING DATE: March 17, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manger to execute the Letter of Agreement 04-SNR-00637 between the United States of America Department of Energy Western Area Power Administration (Western) and with the City of Lodi to provide Shasta Rewinds and daily excess capacity and associated energy.

BACKGROUND INFORMATION: As part of the annual City of Lodi Electric Utility Department (EUD)'s renewal of Western Area Power Administration (Western) resources, this Letter of Agreement 04-SNR-00637 provides for daily excess capacity and associated energy as part of the Shasta rewind project. This essentially is renewing a below market resource (below \$30/mwh) from Western that the EUD has received over the last few years. A copy of the Letter of Agreement is on file at the Electric Utility Department.

FUNDING: None

Alan N. Vallow
Electric Utility Director

PREPARED BY: Boris Prokop, Manager Rates and Power Supply

ANV/BP/lst
cc: City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO EXECUTE LETTER OF AGREEMENT NO. 04-SNR-00637
BETWEEN THE UNITED STATES OF AMERICA DEPARTMENT OF
ENERGY WESTERN AREA POWER ADMINISTRATION AND THE CITY OF
LODI TO PROVIDE SHASTA REWINDS AND DAILY EXCESS CAPACITY
AND ASSOCIATED ENERGY

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
authorize the City Manager to execute Letter of Agreement No. 04-SNR-00637 between the
United States of America Department of Energy Western Area Power Administration and the
City of Lodi to provide Shasta Rewinds and daily excess capacity and associated energy.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City
Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS -
- ABSENT: COUNCIL MEMBERS -
- ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution approving an agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club Facilities for the period May 31, 2004 to July 25, 2004

MEETING DATE: March 17, 2004

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving an agreement for use of Twin Arbor Athletic Club pool facilities by the Summer Swim League program.

BACKGROUND INFORMATION: The Parks and Recreation Department currently provides a summer swim league program to over 600 children, up from 500 a few years ago. This program continues to grow, however, there have been no additional facilities available to expand the program.

Staff has been in discussions with Twin Arbor Athletic Club for several years to gain access to their pools in order to expand the program. For a fourth year, staff was successful in gaining access, thereby allowing for last years team of 100+ swimmers to participate in the Summer Swim League. Staff recommends approving the agreement, which will allow the swimming pools at Twin Arbor to be used for meets and a team comprised of Twin Arbor members to participate in the league. Last year this same agreement was utilized for the program.

FUNDING: None

Tony Goehring
Parks and Recreation Director

TG:tl

cc: City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager

Memorandum of Understanding
(Summer Swim League)

THIS Memorandum of Understanding ("Agreement") is entered into as of this ____ day of _____, 2004, by Spare Time Incorporated d.b.a. Twin Arbor Athletic Club, ("TAAC") and THE CITY OF LODI, acting by and through its Parks and Recreation Department ("City").

Background

A. City operates an eight-week summer swim league at the City owned Enze Pool, Lodi High School Pool and Tokay High School Pool. Currently, the City has six teams, each comprised of over 100 participants, TAAC also operates swimming programs at its privately owned pool facilities at 2040 W. Cochran Rd, Lodi and 1900 S Hutchins Rd, Lodi.

B. TAAC desires to organize a team to participate in the summer swim league again. City is willing to permit TAAC to do so on a trial basis. However, in order to accommodate the sixth team, City requires the use of one or both of TAAC's pool facilities.

C. Accordingly, the parties enter into this Agreement on the terms and conditions set forth below.

Agreement

In consideration of their mutual covenants, the Parties agree as follows:

1. Participation. TAAC and City agree that TAAC will establish a sixth team named the "Dolphins" comprised of the members of its club to participate in the City's summer swim league.

2. Administration. Generally, the Dolphins team and its members will be treated identically to the City teams, and the Dolphins will practice at TAAC's facilities. Dolphins team members will register with and pay the City's Parks and Recreation Program. City will pay the Dolphins coach the same stipend paid to the City coaches. City shall have the right to oversee and supervise the Dolphin's coach and program, including all appropriate background checks of Dolphin's staff (whether paid or volunteer) and monitoring practices and swim meets to ensure compliance with all applicable laws, regulations, and City standards. TAAC shall cooperate with City's efforts to perform background checks and monitoring.

3. Fees/Recruiting Prohibited. No fees, other than TAAC's standard membership fee, shall be charged to any Dolphin team member. Members must be an active member of TAAC as of April 1st of the current year. However, TAAC like other teams may accept donations and have fundraisers to solicit sponsorships. TAAC shall not engage in any efforts to recruit memberships during swim meets. TAAC shall not recruit members of City teams and TAAC members who wish to retain their affiliation with a City team must not be pressured to join the

TAAC team. However, TAAC will be permitted to inform its members that it is establishing a team to compete in the City's summer swim league and that TAAC members may join TAAC's team by signing up through the City's Parks and Recreation Department subject to being an active member of TAAC as of April 1st of the current year.

4. Use of Facilities. During the term of this Agreement, TAAC agrees to allow the use of its facilities, including but not limited to the showers, dressing areas, bathrooms, and spectator areas for Dolphins practice and for swim meets between any teams in the summer swim league from 10:30 a.m. to 3:00 p.m. on Saturdays. No fees shall be charged to (1) the City for use TAAC's facilities; or (2) any child or spectator for any purpose, including but not limited to entry fees, or shower fees, during the swim meets. TAAC shall have the right to designate which of its pool facilities will be used for practices on whatever notice it deems appropriate and shall also have the right to designate which of its Lodi pool facilities will be used for swim meets on at least 30 days written notice to City, as long as practices are consistent with above times. The meets held at TAAC pools will involve the Dolphins and a City team. At no time will two City teams use TAAC pool for swim meets.

5. Term. The term of this Agreement shall be from May 31st, 2004 to July 25th, 2004 unless otherwise terminated as provided herein.

6. Maintenance. TAAC shall, at its own expense, maintain its premises and any buildings and or equipment on or attached to the premises in a safe condition, in good repair and in a manner suitable to City. City shall be entitled to inspect TAAC's pool facilities upon demand to ensure compliance with this paragraph.

7. Utilities. TAAC shall provide utility service to the premises at its sole cost and expense.

8. Attorney Fees. In any action between the parties arising out of or related to this contract, the prevailing party shall be entitled to all expenses incurred therefor, including reasonable attorney fees.

9. Optional Termination. Either party may terminate this Agreement in writing upon at least 48 hours prior written notice. In the event of an early termination, the City, in its sole discretion, will determine which one of the following options to give to the entire Dolphins team:

- a. Join another of the five teams in the Summer Swim League;
- b. Continue on the Dolphins team for the remainder of the season with a coach to be supplied by the City without the use of the TAAC facilities; or
- c. Terminate their participation in the league and receive a pro-rated refund of the fees paid to the Parks and Recreation Department.

10. Indemnity and Insurance.

a. Indemnification by City: Except to the extent caused by the negligence or intentional misconduct of TAAC or of any agent, servant or employee of TAAC, City ("Indemnitor") shall, at its sole cost and expense, indemnify and hold harmless TAAC and all associated,

affiliated, allied and subsidiary entities of TAAC, now existing or hereinafter created, and their respective officers, boards, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:

i. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of City, its personnel, employees, agents, contractors or subcontractors on the Premises, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, or any other right of any person, firm or corporation, to the extent arising out of or resulting from the operation and/or maintenance of the summer swim league or City's failure to comply with any applicable federal, state or local statute, ordinance or regulation.

b. Indemnification by TAAC: Except to the extent caused by the negligence or intentional misconduct of City or of any agent, servant or employee of City, TAAC ("Indemnitor") shall, at its sole cost and expense, indemnify and hold harmless City and all associated, affiliated, allied and subsidiary entities of City, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:

i. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of TAAC, its personnel, employees, agents, contractors or subcontractors on the Premises, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, or any other right of any person, firm or corporation.

c. Defense of Indemnitees: In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Indemnitor shall, upon reasonable prior written notice from any of the Indemnitees, at Indemnitor's sole cost and expense, resist and defend the same with legal counsel mutually selected by the parties; provided however, that the parties must not admit liability in any such matter without written consent, which consent must not be unreasonably withheld, conditioned or delayed, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without prior written consent. The indemnifying party's duty to defend shall begin upon receipt of a written notice identifying with specificity the allegations that give rise to this duty to defend and shall be co-extensive with the indemnifying party's indemnification obligation.

d. Notice, Cooperation and Expenses: Each party must give the other prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this paragraph. Nothing herein shall be deemed to prevent either party from cooperating with the other and participating in the defense of any litigation by its own counsel.

However, Indemnitor shall pay all reasonable expenses incurred by Indemnitees in response to any such actions, suits or proceedings. These expenses shall include all reasonable out-of-pocket expenses such as reasonable attorney fees and shall also include the reasonable value of any services rendered by Indemnitees' attorney, and the actual reasonable expenses of Indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by Indemnitees in connection with such suits, actions or proceedings but shall not include attorneys' fees for services that are unnecessarily duplicative of services provided Indemnitees by Indemnitor.

If Indemnitor requests Indemnitee to assist it in such defense, then Indemnitor shall pay all reasonable expenses incurred by Indemnitee in response thereto, including defending itself with regard to any such actions, suits or proceedings. These expenses shall include all reasonable out-of-pocket expenses such as attorney fees and shall also include the reasonable costs of any services rendered by Indemnitee's attorney, and the actual reasonable expenses of Indemnitee's agents, employees or expert witnesses, and disbursements and liabilities assumed by Indemnitee in connection with such suits, actions or proceedings.

e. Insurance: During the term of the Agreement, both parties must maintain, or cause to be maintained, in full force and effect and at their sole cost and expense, the following types and limits of insurance:

i. Worker's compensation insurance meeting applicable statutory requirements and employer's liability insurance with minimum limits of One Hundred Thousand Dollars (\$100,000.00) for each accident.

iii. Comprehensive commercial general liability insurance with minimum limits of One Million Dollars (\$1,000,000.00) as the combined single limit for each occurrence of bodily injury, personal injury and property damage.

iv. All policies other than those for Worker's Compensation shall be written on an occurrence and not on a "claims made" basis.

v. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.

f. Named Insureds: All policies, except for workers compensation policies, shall name City and all of their associated, affiliated, allied and subsidiary entities, now existing or hereafter created, and their respective officers, boards, commissions, employees, agents and contractors, as their respective interests may appear as additional insureds (herein referred to as the "Additional Insureds"). Each policy which is to be endorsed to add Additional Insureds hereunder, shall contain cross-liability wording, as follows:

"In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the

same manner as if separate policies had been issued to each insured hereunder.”

g. Evidence of Insurance: TAAC shall file certificates of insurance for each insurance policy required to be obtained in compliance with this paragraph, along with written evidence of payment of required premiums with the City annually during the term of the Agreement. City shall immediately advise TAAC of any claim or litigation that may result in liability to TAAC. TAAC shall immediately advise City of any claim or litigation that may result in liability to City.

h. Cancellation of Policies of Insurance: TAAC’s insurance policies maintained pursuant to this Agreement shall contain the following endorsement:

“At least sixty (60) days prior written notice shall be given to City by the insurer of any intention not to renew such policy or to cancel, replace or materially alter same, such notice to be given by registered mail to the parties named in this paragraph of the Agreement.”

I . Self-Insurance: The City’s insurance requirements set forth herein may be satisfied by a self insurance program that complies with all laws and regulations governing self insurance.

13. Notices. Except as otherwise provided for in this Agreement to the contrary, all notices, demands and other communications required or contemplated to be given under this Agreement shall be in writing and shall be delivered either by (i) postage prepaid, Returned Receipt Requested, Registered or Certified Mail, (ii) local or air courier messenger service, (iii) personal delivery, or (iv) facsimile addressed to the party or parties for whom intended at the address shown below or such other address as the intended recipient previously shall have designated by written notice from time to time (provided, however, notice of a change of address or facsimile number shall be effective only upon receipt):

If to City, to:	City of Lodi Parks & Recreation Dept. P. O. Box 3006 221 W. Pine Street Lodi, CA 94240 Fax # (209) 333-0162 Attn: Tony Goehring
-----------------	--

If to TAAC, to:	Twin Arbors Athletic Club
-----------------	---------------------------

14. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives and assigns.

15. Non-Waiver. Failure of either party to insist on strict performance of any of the conditions, covenants, terms or provisions of this Agreement or to exercise any of its rights here

under shall not waive such rights, but either party shall have the right to enforce such rights at any time and take such action as might be lawful or authorized hereunder, either in law or equity.

16. Miscellaneous.

a. TAAC and City represent that each, respectively, has full right, power, and authority to execute this Agreement.

b. This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind not set forth herein. Any modification of or amendment to this Agreement must be in writing and executed by both parties.

c. This Agreement shall be construed in accordance with the laws of the State of California.

This Agreement was executed as of the date first set forth above and effective as of the date set forth in introduction above.

H. Dixon Flynn
City Manager

Dennis Kauffman
General Manager

ATTEST:

Susan J. Blackston
City Clerk

Dated: _____

Approved as to Form:

D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
AGREEMENT BETWEEN THE CITY OF LODI AND SPARE TIME,
INC., dba TWIN ARBOR ATHLETIC CLUB, FOR USE OF POOLS
AT TWIN ARBOR ATHLETIC CLUB FACILITIES

=====

WHEREAS, the Parks and Recreation Department currently provides a summer swim league program to over 600 children; and

WHEREAS, this program continues to grow, with no additional facilities available to expand the program; and

WHEREAS, City staff has had discussions with Twin Arbor Athletic Club for several years to gain access to its pools in order to expand the program; and

WHEREAS, for a fourth year, staff was successful in gaining access, thereby allowing an additional 100+ swimmers to participate in the Summer Swim League; and

WHEREAS, staff therefore recommends that the City Council approve the agreement, which would allow the swimming pools at Twin Arbor Athletic Club to be used for meets and a team comprised of Twin Arbor members to participate in the league.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period May 31, 2004 to July 25, 2004.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution approving the job specification and salary range for the position of Fire Administrative Captain and provide authorization to fill the position

MEETING DATE: March 17th, 2004

PREPARED BY: Joanne M. Narloch, Human Resources Director

RECOMMENDED ACTION: That City Council approve the proposed salary range and attached job specification for Fire Administrative Captain, and provide authorization to fill this position in the current fiscal year.

BACKGROUND INFORMATION: A Fire Administrative Captain position has been budgeted for implementation during the 2003-05 budget cycle. To briefly summarize, the Fire Administrative Captain will be a specialist responsible for developing programs in the Fire Department. The types of programs this position will coordinate include: fire prevention and public education activities, enforcement of life and safety codes and ordinances, review of complex building construction and business emergency plans, preparation of grant applications, as well as coordination of training programs. A job specification (Attachment A) for this position is attached for City Council approval. The salary range recommended for this position is the same as that of a non-administrative Fire Captain:

Fire Administrative Captain

Step A	Step B	Step C	Step D	Step E
4749.94	4987.43	5236.81	5498.65	5773.58

Assuming that this position will be approved in FY 04-05, we are only three and a half months away from implementing this position. At this time we have an employee who is medically precluded from performing the duties of Fire Captain. Whenever feasible, in accordance with the ADA, the City strives to find reasonable accommodation for employees. In these situations, one option Human Resources explores is the potential for placing the employee in another available position for which he/she is qualified. By providing authorization to fill this position in the current fiscal year, the City Council will create the opportunity for this individual to compete for the Fire Administrative Captain position.

FUNDING: Accelerating implementation of this position by three months will cost approx. \$15,735 for salary and \$5,245 for benefits in FY 2003-04. After July 1st, 2004 there will be no additional cost since the position is budgeted in FY 2004-05 and will be part of the Department's regular compli-

APPROVED: _____
H. Dixon Flynn, City Manager

ment of positions into the future. The Fire Chief indicates sufficient funds exist in the Department's current staffing budget to cover additional costs presented by implementation of the Fire Administrative Captain position in the current fiscal year.

Vicky McAthie, Finance Director

Joanne M. Narloch
Human Resources Director

Attachments

FIRE ADMINISTRATIVE CAPTAIN

DEFINITION:

Under general direction of the Fire Division Chief, develops, coordinates and/or administers a variety of departmental programs and activities. Assists in planning, organizing and directing activities of the Fire Department in an administrative capacity.

DISTINGUISHING CHARACTERISTICS:

The Fire Administrative Captain is assigned to Fire Administration and oversees various departmental programs such as fire prevention and training. Whereas the Fire Captain is assigned to suppression and supervises line personnel.

EXAMPLES OF DUTIES:

Duties may include, but are not limited to, the following:

- Assists in the development and implementation of policies and procedures;
- Develops, coordinates and participates in the activities of the fire safety public education section of the Fire Prevention Bureau throughout the community;
- Reviews and approves complex and technical building construction plans such as commercial buildings, manufacturing plants, and hospitals for compliance with fire and life safety codes;
- Inspects complex operations, processes, devices, and equipment such as fire protection systems and hydrant distribution systems requiring the inspection or approval of the Fire Prevention Bureau;
- Evaluates information provided on disclosure forms, issues permits, and assigns fees; interprets policies, procedures, and documents relating to chemicals and requirements of disclosure laws; determines if business emergency plan is required; reviews, evaluates and processes business emergency plans;
- Provides technical assistance to fire companies and hazardous materials response teams; develops procedures; coordinates hazardous materials disclosure program with fire inspections conducted and issued by engine companies;
- Researches and applies for funded grants and administers process for grants and accompanying documentation;
- Works with other governmental agencies and interested parties in the following areas: developing codes and ordinances for compliance and enforcement of building and fire codes and standards, the building development and planning process for more difficult projects; weed and rubbish abatement; and hazardous material disclosure and enforcement;

EXAMPLES OF DUTIES (continued):

- Serves as staff program manager in areas such as fire prevention, special operations, medical services and other related programs; recommends goals and objectives;
- Prepares, directs and coordinates training programs; reviews and assesses training needs and available programs; oversees and coordinates the attendance of departmental staff at training programs and seminars; researches policies and procedures related to training activities;
- Assists in the development of monthly training calendars and bulletins, monthly training schedules for company training and special courses;
- Develops and revises course outlines, lesson plans, standard operating guidelines, information sheets, audio-visual aides, examinations and other training materials;
- Interprets fire prevention, operations and training policies and procedures;
- Prepares and reviews forms, reports, schedules, recommendations and other administrative records related to fire suppression, training or other special programs as assigned;
- Assist in the development and administration of the approved budget;
- Conducts investigations to determine origin and cause of fires and performs criminal investigations;
- Performs related work as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

- Local, state and federal laws, ordinances and regulations regarding fire protection, building codes, and hazardous materials;
- Laws of arrest, rules of evidence and courtroom procedure;
- Principles, techniques, strategy, materials and equipment used in fire suppression, investigation and prevention, rescues and related emergency response;
- Department rules, regulations and standard operation policies and procedures;
- Principles and practices of organization, administration, budget, project management and personnel management;
- Principles and practices of training in the areas of emergency medical care and disaster management, fire suppression and rescue;
- Principles and practices of fire and life safety inspection, enforcement work and hazardous materials disclosure including their relationship to fire ground operations;
- Principles and practices of employee supervision, including selection, training, work evaluation and discipline;
- Modern office procedures, methods and computer equipment;
- Principles and practices of budget preparation and administration;
- Principles and practices of reporting and record keeping;
- Safety practices and precautions pertaining to the work.

MINIMUM QUALIFICATIONS (continued):

Ability to:

- Organize, schedule, assign, and review the work of others;
- Analyze emergency response and operations problems, develop sound alternatives, and make effective decisions under emergency circumstances;
- Analyze facts and make sound recommendations;
- Communicate clearly and concisely, both orally and in writing;
- Use and operate a personal computer, software and peripheral equipment;
- Develop, implement, apply, coordinate and evaluate a multitude of training programs that meet the needs of the department;
- Understand, interpret and apply Uniform Fire Code, Health and Safety Code, Uniform Building Code, and other local laws and ordinances, and state and federal laws and regulations;
- Plan, administer, coordinate and supervise fire prevention and public education programs for the general public, civic groups, schools and private industry;
- Read and comprehend construction drawings and specifications and detect necessary changes to bring into compliance with appropriate building and fire codes;
- Establish and maintain effective working relationships with employees, officials and the public;
- Maintain accurate records and prepare clear and concise reports and other written materials.

EDUCATION AND EXPERIENCE:

Any combination equivalent to education and experience that would likely provide the required knowledge and abilities would be qualifying. A typical combination is:

Education:

- Equivalent to completion of high school.
- College level Fire Science course work is desirable.

Experience:

Five years of fire fighting experience.

LICENSES AND CERTIFICATES:

- Possession of the appropriate Commercial Driver's License with endorsements, as mandated by the California Commercial Vehicle Code.
- Certification as an Emergency First Responder.
- Completion of all coursework necessary for Certification as a State of California Fire Officer.
- Certification as a City of Lodi Fire Engineer.
- If assigned to Fire Prevention must obtain within 12 months of appointment the Penal Code 832 certificate and California Fire Prevention Officer Level II certificate.

OTHER REQUIREMENTS:

- Participation in the Lodi Fire Department Physical Fitness Program.
- It is a condition of employment that any fire service employee hired into the Fire Department, not use tobacco in any form.

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING JOB
SPECIFICATION AND SALARY RANGE FOR FIRE ADMINISTRATIVE CAPTAIN,
AND FURTHER AUTHORIZING FILLING THE POSITION IN THE CURRENT
FISCAL YEAR

=====

WHEREAS, a Fire Administrative Captain position has been budgeted for implementation during the 2003-05 budget cycle; and; and

WHEREAS, this Fire Administrative Captain position will be a specialist responsible for developing programs in the Fire Department, which include coordinating fire prevention and public education activities, enforcement of life and safety codes and ordinances, review of complex building construction and business emergency plans, preparation of grant applications, as well as coordination of training programs; and

WHEREAS, the salary range for this position is the same as that of a non-administrative Fire Captain, as follows:

Step A	Step B	Step C	Step D	E
\$4,749.94	\$4,987.43	\$5,236.81	\$5,498.65	\$5,773.58

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the job specification as shown on Exhibit A attached, and salary range for the position of Fire Administrative Captain; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the filling of this position in the current fiscal year utilizing funds existing in the Fire Department's current staffing budget.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____

CITY OF LODI

March 17, 2004

FIRE ADMINISTRATIVE CAPTAINDEFINITION:

Under general direction of the Fire Division Chief, develops, coordinates and/or administers a variety of departmental programs and activities. Assists in planning, organizing and directing activities of the Fire Department in an administrative capacity.

DISTINGUISHING CHARACTERISTICS:

The Fire Administrative Captain is assigned to Fire Administration and oversees various departmental programs such as fire prevention and training. Whereas the Fire Captain is assigned to suppression and supervises line personnel.

EXAMPLES OF DUTIES:

Duties may include, but are not limited to, the following:

- Assists in the development and implementation of policies and procedures;
- Develops, coordinates and participates in the activities of the fire safety public education section of the Fire Prevention Bureau throughout the community;
- Reviews and approves complex and technical building construction plans such as commercial buildings, manufacturing plants, and hospitals for compliance with fire and life safety codes;
- Inspects complex operations, processes, devices, and equipment such as fire protection systems and hydrant distribution systems requiring the inspection or approval of the Fire Prevention Bureau;
- Evaluates information provided on disclosure forms, issues permits, and assigns fees; interprets policies, procedures, and documents relating to chemicals and requirements of disclosure laws; determines if business emergency plan is required; reviews, evaluates and processes business emergency plans;
- Provides technical assistance to fire companies and hazardous materials response teams; develops procedures; coordinates hazardous materials disclosure program with fire inspections conducted and issued by engine companies;
- Researches and applies for funded grants and administers process for grants and accompanying documentation;
- Works with other governmental agencies and interested parties in the following areas: developing codes and ordinances for compliance and enforcement of building and fire codes and standards, the building development and planning process for more difficult projects; weed and rubbish abatement; and hazardous material disclosure and enforcement;

EXAMPLES OF DUTIES (continued):

- Serves as staff program manager in areas such as fire prevention, special operations, medical services and other related programs; recommends goals and objectives;
- Prepares, directs and coordinates training programs; reviews and assesses training needs and available programs; oversees and coordinates the attendance of departmental staff at training programs and seminars; researches policies and procedures related to training activities;
- Assists in the development of monthly training calendars and bulletins, monthly training schedules for company training and special courses;
- Develops and revises course outlines, lesson plans, standard operating guidelines, information sheets, audio-visual aides, examinations and other training materials;
- Interprets fire prevention, operations and training policies and procedures;
- Prepares and reviews forms, reports, schedules, recommendations and other administrative records related to fire suppression, training or other special programs as assigned;
- Assist in the development and administration of the approved budget;
- Conducts investigations to determine origin and cause of fires and performs criminal investigations;
- Performs related work as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

- Local, state and federal laws, ordinances and regulations regarding fire protection, building codes, and hazardous materials;
- Laws of arrest, rules of evidence and courtroom procedure;
- Principles, techniques, strategy, materials and equipment used in fire suppression, investigation and prevention, rescues and related emergency response;
- Department rules, regulations and standard operation policies and procedures;
- Principles and practices of organization, administration, budget, project management and personnel management;
- Principles and practices of training in the areas of emergency medical care and disaster management, fire suppression and rescue;
- Principles and practices of fire and life safety inspection, enforcement work and hazardous materials disclosure including their relationship to fire ground operations;
- Principles and practices of employee supervision, including selection, training, work evaluation and discipline;
- Modern office procedures, methods and computer equipment;
- Principles and practices of budget preparation and administration;
- Principles and practices of reporting and record keeping;
- Safety practices and precautions pertaining to the work.

MINIMUM QUALIFICATIONS (continued):

Ability to:

- Organize, schedule, assign, and review the work of others;
- Analyze emergency response and operations problems, develop sound alternatives, and make effective decisions under emergency circumstances;
- Analyze facts and make sound recommendations;
- Communicate clearly and concisely, both orally and in writing;
- Use and operate a personal computer, software and peripheral equipment;
- Develop, implement, apply, coordinate and evaluate a multitude of training programs that meet the needs of the department;
- Understand, interpret and apply Uniform Fire Code, Health and Safety Code, Uniform Building Code, and other local laws and ordinances, and state and federal laws and regulations;
- Plan, administer, coordinate and supervise fire prevention and public education programs for the general public, civic groups, schools and private industry;
- Read and comprehend construction drawings and specifications and detect necessary changes to bring into compliance with appropriate building and fire codes;
- Establish and maintain effective working relationships with employees, officials and the public;
- Maintain accurate records and prepare clear and concise reports and other written materials.

EDUCATION AND EXPERIENCE:

Any combination equivalent to education and experience that would likely provide the required knowledge and abilities would be qualifying. A typical combination is:

Education:

- Equivalent to completion of high school.
- College level Fire Science course work is desirable.

Experience:

Five years of fire fighting experience.

LICENSES AND CERTIFICATES:

- Possession of the appropriate Commercial Driver's License with endorsements, as mandated by the California Commercial Vehicle Code.
- Certification as an Emergency First Responder.
- Completion of all coursework necessary for Certification as a State of California Fire Officer.
- Certification as a City of Lodi Fire Engineer.
- If assigned to Fire Prevention must obtain within 12 months of appointment the Penal Code 832 certificate and California Fire Prevention Officer Level II certificate.

OTHER REQUIREMENTS:

- Participation in the Lodi Fire Department Physical Fitness Program.
- It is a condition of employment that any fire service employee hired into the Fire Department, not use tobacco in any form.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to appropriate a Public Benefits Program grant in the amount of \$6,178 to Fairmont Seventh-Day Adventist Church for a demand-side management project (EUD)

MEETING DATE: March 17, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to appropriate a Public Benefits Program grant in the amount of \$6,178 to Fairmont Seventh-Day Adventist Church for a demand-side management project.

BACKGROUND INFORMATION: Officials at Lodi's Fairmont Seventh-Day Adventist Church are embarking a significant demand-side management project. The church is located at 730 S. Fairmont Avenue. As part of the energy efficiency improvements, the mechanical systems in the sanctuary and the fellowship hall will be addressed. The project, with a total cost of \$41,187.00*, will include:

- disconnection of the existing water-cooled compressors and refrigerant lines in both the sanctuary and fellowship hall;
- install two (2) 20-ton air-cooled condensing units (central air conditioning system) in the sanctuary; both units have an Energy Efficiency Rating (EER) of 10.5, which qualifies under the City of Lodi energy efficiency standards for this size of system;
- install two (2) 10-ton air cooled condensing units in the fellowship hall; both of these units have an EER of 12.4, which also qualifies under the City of Lodi energy efficiency standards; and,
- install new digital programmable thermostats in both the sanctuary and fellowship hall.

**The rebate is 15 percent of the total project cost, which includes labor and materials. Fifteen percent applied towards the total project cost of \$41,187 equals a rebate of \$6,178.*

Electric Utility staff respectfully recommends approval of this demand-side management grant as a qualifying component of the City of Lodi Public Benefits Program.

FUNDING: 164605 – Public Benefits Program (Category: Demand-side Management)

Funding Approval:

Vicky McAthie, Finance Director

Alan N. Vallow, Electric Utility Director

PREPARED BY: Rob Lechner, Manager of Customer Service & Programs

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO PROVIDE A
PUBLIC BENEFITS PROGRAM GRANT TO FAIRMONT
SEVENTH-DAY ADVENTIST CHURCH

=====

WHEREAS, the State has mandated that beginning January 1, 1998, the City of Lodi is obligated to fund various programs through a Public Benefits Charge (PBC) based on a historical electric revenue requirement; and

WHEREAS, the requirement amounts to approximately \$1M per year that must be dedicated to qualifying programs such as energy efficiency. A further stipulation is that these efforts must be done on the customer's side of the meter in order to qualify; and

WHEREAS, Fairmont Seventh-Day Adventist Church located at 730 S. Fairmont Avenue; and

WHEREAS, as part of the energy efficiency improvements, the mechanical systems in the sanctuary and the fellowship hall will be addressed. The project, with a total cost of \$41,187.00 will include:

- disconnection of the existing water-cooled compressors and refrigerant lines in both the sanctuary and fellowship hall;
- install two (2) 20-ton air-cooled condensing units (central air conditioning system) in the sanctuary; both units have an Energy Efficiency Rating (EER) of 10.5, which qualifies under the City of Lodi energy efficiency standards for this size of system;
- install two (2) 10-ton air cooled condensing units in the fellowship hall; both of these units have an EER of 12.4, which also qualifies under the City of Lodi energy efficiency standards; and,
- install new digital programmable thermostats in both the sanctuary and fellowship hall; and

WHEREAS, the rebate is 15 percent of the total project cost, which includes labor and materials. Fifteen percent applied towards the total project cost of \$41,187.00 equals a rebate of \$6,178.00; and

WHEREAS, the Electric Utility Department recommends that the City provide a Public Benefits Program Grant in the amount of \$6,178.00 for a demand-side management project to Fairmont Seventh-Day Adventist Church.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to provide a Public Benefits Program Grant in the amount of \$6,178.00 to Fairmont Seventh-Day Adventist Church for the above-mentioned project.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 17, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize Advertisement for Transportation Services for Leadership Lodi's Agriculture, Water and Environment Day and Authorize Use of Buses Should No Alternate Provider Be Willing to Perform the Service

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council authorize advertisement for transportation services for Leadership Lodi's Agriculture, Water and Environment Day and authorize the use of buses should no alternate provider be willing to perform the service.

BACKGROUND INFORMATION: At the March 5, 2003, meeting, Council adopted policies and procedures for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services for public service events, including Leadership Lodi, which is sponsored by the Chamber of Commerce.

The policy calls for the City's Transportation Manager to advertise in the local newspapers, with the cost to be born by the applicant, to determine if any other operator is willing and/or able to perform the service. At the conclusion of the advertisement period (which shall be 2 weeks), should no alternate provider be willing to provide the service, the City's transit service may provide those services at the fully-allocated rate. The current fully-allocated rate (contract cost plus maintenance, etc.) is \$40 an hour per bus.

FUNDING: Funding for the advertisement shall be incurred by the applicant.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/pmf

cc: Pat Patrick, CEO, Lodi Chamber of Commerce
Marilyn Storey, Director of Operations, Lodi Chamber of Commerce

APPROVED: _____
H. Dixon Flynn, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Reallocating \$20,962.07 of Unobligated Funds from various CDBG Projects to the 98-07 Elm Street Parking Lot Project

MEETING DATE: March 17, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council adopt a Resolution authorizing the reallocation of \$20,962.07 in CDBG Funds from various completed CDBG Projects to the 1998-99 Elm Street Parking Lot Project as detailed below.

BACKGROUND INFORMATION: In the 1998-99 CDBG Program year, the City Council allocated \$151,205.00 to the City of Lodi for the Elm Street Parking Lot Project, which involved the acquisition of three blighted properties on West Elm Street.

The acquisition of one of those properties was accomplished through eminent domain, which involved the City depositing \$30,000 with the State Treasury toward the acquisition cost of the property in question. As that case has now been settled, the City of Lodi now owes a remaining balance of \$20,800.00 to complete the acquisition.

Subsequent to the acquisition of the properties, the City Council reallocated an additional \$150,000.00 toward the construction of the parking lot. Since the completion of that project, a balance of \$1,950.00 has remained pending resolution of the Eminent Domain action.

FUNDING: The Community Improvement Manager has identified the following CDBG funding from completed projects from which to draw the necessary funds for reallocation.

Reallocate From:

Project No.	Project Title	Available Funds	Account No.
LOD 96-05	Eastside Alley Lighting	\$ 5,000.00	452501
LOD 97-1.1	City Park Improvements ADA	\$ 1,125.67	453761
LOD 97-1.3	Lodi Lake Beach Feature	\$ 312.21	453763
LOD 97-1.4	Recreation Office Remodel	\$ 4,401.07	453764
LOD 97-1.5	Lodi Lake Handicapped Access	\$ 2,182.88	453765
LOD 97-1.6	Blakely Park Improvements	\$ 1,508.13	453766
LOD 97-1.7	Kofu/Armory Park Ramps	\$ 6,432.11	453767
TOTAL		\$20,962.07	

Reallocate To:

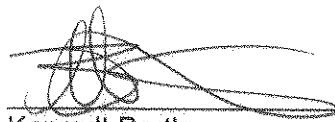
LOD 98-07	Elm Street Parking Lot	\$ 1,950.00	454508
Balance After Reallocation		\$22,912.07	

APPROVED:


H. Dixon Flynn, City Manager

Any additional funds allocated during this process will be applied to any additional costs incurred in completing the acquisition of the property, i.e. Recording Fees, and eventually distributed to other projects through future reallocations.


for Vicky McAthie, Finance Director


Konradt Bartlam
Community Development Director

KB/jw

cc: Karen Stevens, SJC Community Development

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
REALLOCATING UNOBLIGATED FUNDS FROM
VARIOUS CDBG PROJECTS TO THE 98-07 ELM
STREET PARKING LOT PROJECT

=====

WHEREAS, in the 1998-99 CDBG Program year, the City Council allocated \$151,205.00 to the City of Lodi for the Elm Street Parking Lot Project, which involved the acquisition of three blighted properties on West Elm Street; and

WHEREAS, the acquisition of one of those properties was accomplished through eminent domain, which involved the City depositing \$30,000 with the State Treasury toward the acquisition cost of the property in question. As that case has now been settled, the City of Lodi now owes a remaining balance of \$20,800.00 to complete the acquisition; and

WHEREAS, subsequent to the acquisition of the properties, the City Council reallocated an additional \$150,000.00 toward the construction of the parking lot. Since the completion of that project, a balance of \$1,950.00 has remained pending resolution of the Eminent Domain action; and

WHEREAS, the Community Improvement Manager has identified the following CDBG funding from completed projects from which to draw the necessary funds for reallocation as shown below:

Reallocate From:

<u>Project No.</u>	<u>Project Title</u>	<u>Available Funds</u>	<u>Account No.</u>
LOD 96-05	Eastside Alley Lighting	\$ 5,000.00	452501
LOD 97-1.1	City Park Improvements ADA	\$ 1,125.67	453761
LOD 97-1.3	Lodi Lake Beach Feature	\$ 312.21	453763
LOD 97-1.4	Recreation Office Remodel	\$ 4,401.07	453764
LOD 97-1.5	Lodi Lake Handicapped Access	\$ 2,182.88	453765
LOD 97-1.6	Blakely Park Improvements	\$ 1,508.13	453766
LOD 97-1.7	Kofu/Armory Park Ramps	\$ 6,432.11	453767
TOTAL		\$20,962.07	

Reallocate To:

LOD 98-07	Elm Street Parking Lot	\$ 1,950.00	454508
Balance After Reallocation		\$22,912.07	

WHEREAS, any additional funds allocated during this process will be applied to any additional costs incurred in completing the acquisition of the property, i.e. Recording Fees, and eventually distributed to other projects through future reallocations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve reallocating funds in the amount of \$20,962.07 to the Elm Street Parking Lot Project as shown above.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution of Preliminary Determination and Resolution of Intention to Annex Millsbridge II Zone 3 and Almond North Zone 4 to Lodi Consolidated Landscape Maintenance District No. 2003-1; Set Public Hearing and Deadline for Receipt of Ballots for May 5, 2004; and Adopt Resolutions Authorizing City Manager to Execute Professional Services Agreements with Timothy J. Hachman, Attorney at Law, (\$7,000) and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc., (\$8,500) for Services Required in Support of the Annexation

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt the following resolutions and additionally adopt resolutions authorizing the City Manager to execute professional services agreements with Timothy J. Hachman, Attorney at Law, and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc., for services required in support of the annexation:

1. Resolution of Preliminary Determination to Annex Territory to a Maintenance Assessment District, to Form a Zone, to Levy an Annual Assessment for Costs Incurred and Preliminary Approval of Engineer's Report for Millsbridge II Zone 3 and Almond North Zone 4, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.
2. Resolution of Intention to Annex Territory to a Maintenance Assessment District, to Form a Zone, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Setting Time and Place of Public Hearing and Setting Forth Mailed Property Owner Ballot Procedure and Notice for Millsbridge II Zone 3 and Almond North Zone 4, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

BACKGROUND INFORMATION: Developers of the Millsbridge II subdivision and the Almond North subdivision have elected to form an assessment district pursuant to the Landscaping and Lighting Act of 1972 for the purpose of installing and/or maintaining the public improvements described in Exhibit 1. Millsbridge II Zone 3 consists of 27 lots plus 10 lots on the west side of the proposed Stonebridge Drive. Almond North Zone 4 consists of 28 lots. The total number of lots in the two zones to be included in the proposed assessment district is 65. The location of Zone 3 and 4 is presented in Exhibit 2.

Different from prior Zone formation/annexation actions by the Council, Zone 3 includes nine lots that are not a part of the primary subdivision. Zone 3 includes four parcels that have been submitted for development entitlements by the developer of the primary subdivision (1271, 1251, 1239, 1219 Bezug Lane and 1819 Tienda Drive). The four parcels on Bezug Lane have pending lot line adjustment or parcel map applications and the owners/developers intend to construct nine new homes on the newly created lots. The parcel at 1819 Tienda Drive is undeveloped and is zoned for single family duplex development. The other

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt Resolution of Preliminary Determination and Resolution of Intention to Annex Millsbridge II Zone 3 and Almond North Zone 4 to Lodi Consolidated Landscape Maintenance District No. 2003-1; Set Public Hearing and Deadline for Receipt of Ballots for May 5, 2004; and Adopt Resolutions Authorizing City Manager to Execute Professional Services Agreements with Timothy J. Hachman, Attorney at Law, (\$7,000) and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc., (\$8,500) for Services Required in Support of the Annexation

March 17, 2004

Page 2

two parcels on Bezug Lane are not included in Zone 3 because they are existing single family residences that will probably remain in their current single family residential use for many years.

The action requested of the City Council will initiate the steps leading to formation of the district and preliminarily approve the Engineer's Report. Additionally, the City Council will set a public hearing for May 5, 2004, to hear public testimony on the formation and proposed assessments and to finally act to form the district. A schedule of events culminating in the election to form the district and approving the Engineer's Report is provided in Exhibit 3.

The Engineer's Report, prepared by Thompson-Hysell Engineers, a division of The Keith Companies, Inc., of Modesto, California, is attached as Exhibit 4. It presents a description of the project, defines the area, describes the improvements to be maintained and provides a cost estimate of the First Year Estimated Assessment and sets the Maximum Annual Assessment amount. Exhibit 4 presents the tabulation of estimated costs. The annual assessment includes costs for maintaining the improvements, utilities, replacement reserves, and administration of the district. Three principal maintenance activities are covered by the district, including the reverse frontage wall and landscaping along Harney Lane, the street trees within the parkway areas of the subdivision and a prorated share of public park maintenance.

In May of 2005, an Engineer's Report will be prepared and presented to the City Council for approval that will set the Estimated Assessment for the following tax year. As is the case now, the costs in the Engineer's Report will be based upon actual contract prices. It is anticipated that administrative services will be bid and contracted on an annual basis.

Presently, the subdivision is comprised of four parcels that are expected to subdivide subsequent to the formation of the assessment district. Zones 3 and 4 will contain approximately 65 lots and will have a proposed assessment roll as set forth in Exhibit 4.

Election ballots will be distributed to the owners of record as of the date of ballot preparation. Voting is based upon acres and simple majority vote is required to form the district. It is expected that none of the lots will be sold to individual homeowners prior to formation of the district on May 5, 2004.

The First Year Assessment will be added to the tax roll for Fiscal Year 2004-05 and the first revenues from the district will not be received until January 2005. Until such time the City receives funds from the district, the developer remains responsible for the regular and ongoing maintenance of the public wall and landscape improvements. This requirement has been addressed in the Subdivision Improvement Agreements that are to be presented to the City Council at the March 17, 2004, and April 21, 2004, meetings for Zone 3 and Zone 4, respectively.

FUNDING: Applicant fees and reimbursement from funds collected through the assessment district.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf
Attachments

cc: D. Stephen Schwabauer, Interim City Attorney
George Bradley, Street Superintendent

Tony Goehring, Parks and Recreation Director

CLandscapeZone3Intention_1.doc

3/11/2004

EXHIBIT 1

Description of Improvements to be maintained for Millsbridge II Zone 3 and Almond North Zone 4

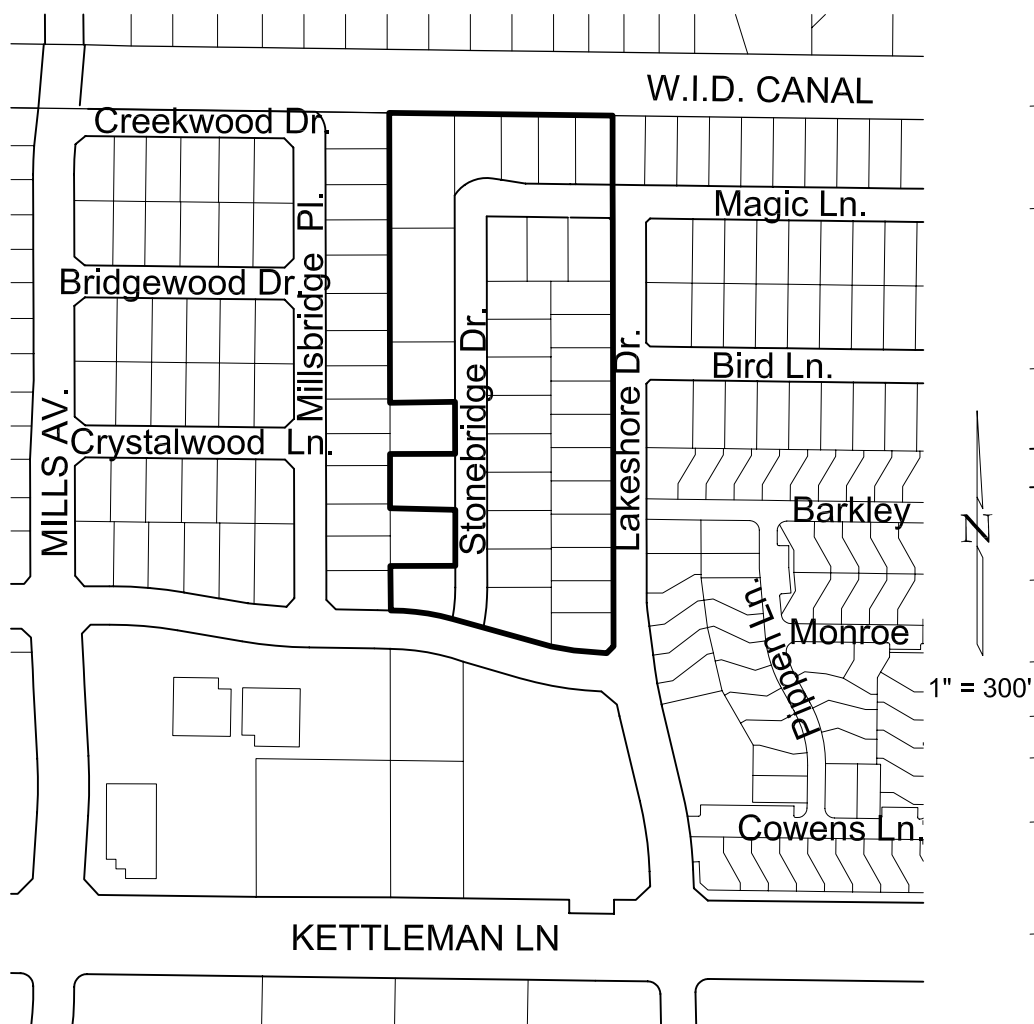
- A. Street parkway trees located within the public streets within the Zone 3 and 4 boundary.
- B. Public park land area of 0.561 acres in size equivalent to the current level of service standard for park area within the City of Lodi of 3.4 acres per thousand persons served.



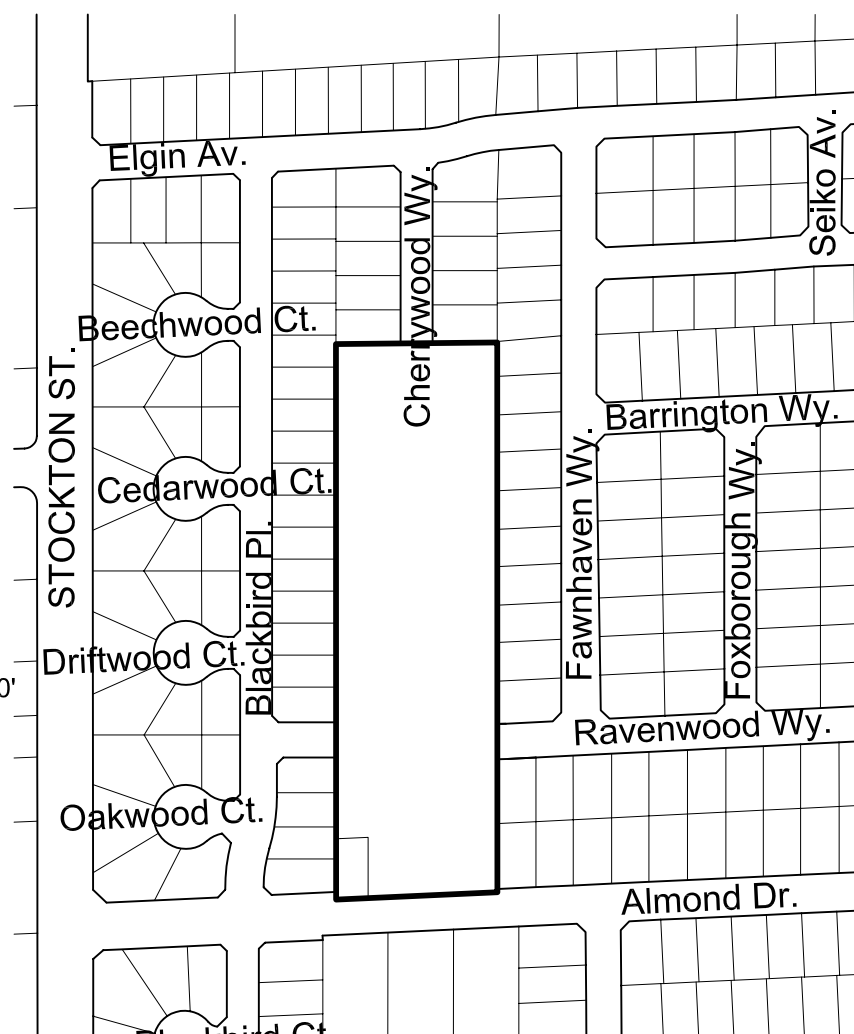
CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT 2 MILLSBRIDGE II - ZONE 3 ALMOND NORTH - ZONE 4 BOUNDARY MAPS



MILLSBRIDGE II - ZONE 3



ALMOND NORTH - ZONE 4

City of Lodi LLD

Millsbridge II Zone 3
and
Almond North Zone 4

**Landscape Maintenance Assessment District Annexations
and Zones 3 and 4 Budget Elections**

Time Table

<u>Date</u>	<u>Activity/Tasks</u>
March 1, 2004	Distribution of preliminary draft Engineer's Report
March 3, 2004	Initial Resolutions to City Council Communication, Finalized Engineer's Report
March 17, 2004	City Council Meeting to: Resolution of Preliminary Determination to Annex to Consolidated District, Form Zones 3 and 4, Resolution of Intention (sets Public Hearing and date of Election on May 5, 2004)
March 19, 2004	Last day to Mail Notice and Ballot
April 19, 2004	Resolutions to City Approve Engineer's Report Annex to Consolidated District, Form Zones 3 and 4 Tally vote/Declare results Council Communication
May 5, 2004	Last day to receive Ballots
May 5, 2004	City Council meeting to: Public Hearing/Tally vote/Declare results Annex to Consolidated District, Form Zones 3 and 4

**ENGINEER'S REPORT
MILLSBRIDGE II ZONE 3
AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)
CITY OF LODI**

FISCAL YEAR 2004-2005

PREPARED BY:

**Thompson-Hysell Engineers,
a division of The Keith Companies, Inc.
1016 12th Street
Modesto, CA 95354**

MARCH 2004

**ANNUAL ENGINEER'S REPORT
FOR THE 2004-2005 FISCAL YEAR**

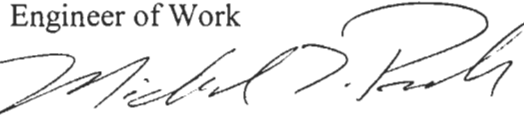
MILLSBRIDGE II ZONE 3 AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
CITY OF LODI
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: _____, 2004.

Thompson-Hysell Engineers
Engineer of Work

BY:


Michael T. Persak
RCE 44908



I HEREBY CERTIFY that the enclosed Annual Engineer's Report, together with Boundary Map, Assessment, and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2004.

_____, City Clerk, City of Lodi
San Joaquin County, California

BY:

I HEREBY CERTIFY that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Lodi, California on the _____ day of _____, 2004.

_____, City Clerk, City of Lodi
San Joaquin County, California

BY:

I HEREBY CERTIFY that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was filed with the Auditor of the County of San Joaquin on the _____ day of _____, 2004.

_____, City Clerk, City of Lodi
San Joaquin County, California

BY:

March 9, 2004

The Honorable Mayor and
City Council of The City of
Lodi, CA

To Whom It May Concern:

This report is prepared pursuant to and in compliance with the requirements of the "Landscaping and Lighting Act of 1972," as amended, commencing with the Streets and Highways code sections 22500, et seq. for the creation of two new zones (Millsbridge II Zone 3 and Almond North Zone 4) in the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

BACKGROUND

The Millsbridge II zone consists of a 27-lot residential development and 5 adjacent parcels which, when subdivided, will equal 11 dwelling unit equivalent Factors (dueF's) located in the southwestern portion of the City of Lodi. The development is being pursued by Ron Thomas Development, Tokay Development, and Almond North LLC. The Almond North zone consists of a 28-lot residential development in the southeastern portion of the City of Lodi. The development is being pursued by Almond North LLC, a California Limited Liability Company. This report is relative to the proposed Millsbridge II Zone 3 and Almond North Zone 4 Landscape Maintenance Districts of the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 which provides annual funds for the maintenance of various public landscape improvements.

PHASED DEVELOPMENT

The Millsbridge II Zone 3 and Almond North Zone 4 developments are currently anticipated to be constructed in a single phase. Annually, the additional public amenity improvements and the additional developed areas, if any, shall be identified. The costs of the maintenance of the new improvements, if any, shall be added to and included in the next annual landscape maintenance budget. These amounts for the additional improvements were accounted for in determining the maximum annual assessment (see Exhibit A). The Millsbridge II Zone 3 and Almond North Zone 4 projects, when completed, will include 38 and 28 dueF's, respectively.

ASSESSMENT DISTRICT AREA

The areas of Millsbridge II Zone 3 and Almond North Zone 4 are described as all of the property within the following assessor's parcels identified by assessor's number (APN):

<u>Zone</u>	<u>Book</u>	<u>Page</u>	<u>Parcel</u>
3	031	040	10-12, 14, 35, 38
4	062	060	14, 15

Boundary maps are attached to this Engineer's Report as Exhibit B. The assessment diagrams for the Millsbridge II Zone 3 and Almond North Zone 4 Landscape Maintenance Districts are attached to the Engineer's Report as Exhibit C. Sheet 1 of the assessment diagrams is a simple overall boundary map. Sheet 2 is the County Assessor's map and is incorporated in, and made a part of, the assessment diagram.

PLANS AND SPECIFICATIONS

As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Millsbridge II Zone 3 and Almond North Zone 4 Landscape Maintenance Districts shall be filed with the City of Lodi and will be incorporated into this report by reference.

DESCRIPTION OF AREAS TO BE MAINTAINED

The Millsbridge II Zone 3 and Almond North Zone 4 Landscape Maintenance Districts are created to provide funding for the continued maintenance of the public areas which are described below. During the installation period for each phase, the installer of the improvements will maintain the new improvements until the following June 30, or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in the Districts upon their completion.

1. Zone 3 – Description of Improvements for Future Development

- A. Street parkway trees located within the public street within the District Zone 3 boundary.
- B. Public park land area of 0.3553 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

2. Zone 4 – Description of Improvements for Future Development

- A. Street parkway trees located within the public street within the District Zone 4 boundary.
- B. Public park land area of 0.2618 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

ALLOCATION OF COSTS

Assessments for the Millsbridge II Zone 3 and Almond North Zone 4 Landscape Maintenance Districts are apportioned in a manner intended to fairly distribute the amounts among all assessable developed parcels in proportion to the estimated benefits to be received by each such parcel. A parcel is considered as being developed by reason of having been included as a lot or parcel in the Millsbridge II Zone 3 and Almond North Zone 4 recorded Final Maps or being included within the active developed area in the case of an existing parcel. The criteria for apportioning the costs for the maintenance makes use of a dwelling unit equivalent Factor (dueF) to calculate the benefit for all uses in terms of equivalent dwelling units. The terms, definitions, and procedures followed to develop the annual assessments are as follows:

1. Dwelling Unit Equivalent Factor (dueF)

The dueF for each use is as follows:

A. Single-Family Residential

All parcels determined to be developed for single-family use shall have a dueF of 1.0 for each parcel. One parcel has been designated for duplex use. This parcel will be assigned a dueF of 2.0.

B. Multiple-Family Residential

All parcels determined to be developed for multiple-family residential, other than duplex or triplex uses, shall have a dueF of 5.0 per acre for each parcel, in general representative of the approximate single-family yield if the area were developed for that use.

C. Commercial/Office

All parcels determined to be developed for commercial or office use shall have the dueF factor calculated as follows:

5 dueF per acre for the first 7.5 acres

2.5 dueF per acre for the next 7.5 acres

1.25 dueF per acre for all acreage over 15 acres.

D. Other Uses

All parcels determined to have uses other than identified above shall have a dueF established at the time of the first annual budget affecting such areas as determined by the Engineer or other officer appointed by the City of Lodi to prepare the annual cost spread. The determined dueF shall follow the character of the factors assigned above as nearly as practicable, but the determination shall be the sole responsibility of the appointed party and the City of Lodi.

E. Zero Dwelling Unit Equivalent Factor (dueF)

Certain parcels, by reason of use, size, shape, or state of development, may be assigned a zero dueF which will consequently result in a zero assessment for that fiscal year. All parcels having such a zero dueF for the previous fiscal year shall

annually be reconsidered to determine if the reason for assigning the zero dueF is still valid for the next fiscal year. Parcels which may be expected to have a zero dueF assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

1. Area Adjustments

Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the dueF, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

2. Compilation

Annually, about May 15, following the determination of the dwelling unit equivalent Factor (dueF) for all developed parcels and the determination of the list of developed parcels by APN for the next fiscal year, all single-family or duplex/triplex residential parcels shall have a dwelling unit equivalent (due) assigned to each parcel equal to the dueF for that parcel. For all parcels other than single-family or duplex/triplex residential parcels, the product of the dueF times the area or adjusted usable area of the parcel, as appropriate, shall be calculated and shall be the due assigned. For developed parcels, the sum of the due assigned to each single-family due for each other parcel shall equal the total due for the next fiscal year. The total amount of revenue required for the next fiscal year shall then be divided by the total due to calculate the assessment per due for the next fiscal year. Parcels defined as not developed for the purposes of determining the landscape maintenance assessments will all have a zero dueF and consequently a zero due and a zero assessment.

3. Allocation of Assessments

The assessment for wall maintenance for the next fiscal year shall then be set for each parcel as the product of the calculated dwelling unit equivalent (due) for each parcel, multiplied by the assessment per due for the next fiscal year.

METHOD OF ASSESSMENT SPREAD

In compliance with the provisions of Proposition 218, adding Article XIII D to the California Constitution, the benefits conferred on each parcel within the Lodi Consolidated Landscape Maintenance District No. 2003-1 are particular and distinct benefits (hereinafter "special benefits") over and above general benefits conferred on such property or to the public at large, in that the individual letter-designated zones in the District each represents a common unit to provide landscape, park, and related amenity maintenance, and monitored irrigation for the development of the property within the individual letter-designated zones in the District generally for residential and related urban uses. Benefits are determined to be 100% special benefits and 0% general benefits. Also, in keeping with the requirements of Proposition 218, no annual individual assessments shall be

increased above the amounts assessed under the established criteria for each zone for the preceding fiscal year without an election approval.

The base objective of the assessment spread is to distribute costs in accordance with the benefits received. Costs will be spread equally to each residential lot as follows:

1. Zone 3: Lots 1-27 in Millsbridge II, APN 031-040-10 (3 future lots), APN 031-040-11 (3 future lots), APN 031-040-12 (2 future lots), APN 031-040-14 (1 future lot), and APN 031-040-38 (existing duplex) shall be assessed equally for the estimated costs of maintenance for the fiscal year 2004-2005.
2. Zone 4: Lots 1-28 in Almond North shall be assessed equally for the estimated costs of maintenance for the fiscal year 2004-2005.

ANNUAL ESCALATION

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by the U.S. Bureau of Labor Statistics for a similar period of time.

ADMINISTRATION

It is intended that the City of Lodi, either directly or by subcontract, shall have the responsibility to establish an ongoing Landscape Maintenance Management entity to be known as the Landscape Maintenance District Manager which shall be responsible to establish the annual budget, keep an accounting of the maintenance and operational administrative costs, administer and perform the landscape maintenance either directly or by subcontract, pay all fees, utility costs, taxes, and any and all other operating costs.

ESTIMATE OF COSTS

The location and size of a park serving these subdivisions has not yet been determined. The estimated costs are for public amenity maintenance only. All improvements will be installed at no cost to the Landscape Maintenance Assessment District. The assessment will not be levied until needed, upon development and City acceptance of the improvements.

Items considered in the maintenance cost include, but are not limited to: Water for plants and trees, weeding, pruning, mowing, replacement of plants and trees that may die, maintenance of pavement and sidewalks, and maintaining and replacing all sprinkler lines and heads.

The annual costs estimated to be collected with the 2004-2005 taxes for the developed areas are as follows:

<u>ZONE 3</u>	<u>FY 2004-05</u>	<u>FY 2004-05</u>
<u>OPERATION OF COSTS</u>	<u>ESTIMATED</u>	<u>MAXIMUM</u>
	<u>ASSESSMENT</u>	<u>ASSESSMENT</u>
Street Trees	\$1,100.00	\$1,100.00
Future Park Site	\$0.00	\$3,600.00
Est. Subtotal Operation Costs	\$1,100.00	\$4,700.00
<u>DISTRICT ADMINISTRATION COSTS</u>		
Annual Engineer's Report	\$4,000.00	\$4,000.00
Publication	\$100.00	\$100.00
City Administration Fee	\$2,000.00	\$2,000.00
County Administration Fee	<u>\$900.00</u>	<u>\$900.00</u>
Est. Total Administration Costs	\$7,000.00	\$7,000.00
Est. Contingency	\$412.00	\$574.00
Total Estimated Revenue Required for 2004-2005 Fiscal Year	\$8,512.00	\$12,274.00
Total Appropriation Required from Existing Fund Balance	\$0.00	\$0.00
Total Estimated Assessment for 2004-2005 Fiscal Year	\$8,512.00	\$12,274.00
Total dueF	38	38
Assessment per dueF	\$224.00	\$323.00
MAXIMUM ANNUAL ASSESSMENT		\$323.00

<u>ZONE 4</u>	<u>FY 2004-05</u>	<u>FY 2004-05</u>
<u>OPERATION OF COSTS</u>	<u>ESTIMATED</u>	<u>MAXIMUM</u>
	<u>ASSESSMENT</u>	<u>ASSESSMENT</u>
Street Trees	\$1,100.00	\$1,100.00
Future Park Site	\$0.00	\$2,600.00
Est. Subtotal Operation Costs	\$1,100.00	\$3,700.00
<u>DISTRICT ADMINISTRATION COSTS</u>		
Annual Engineer's Report	\$4,000.00	\$4,000.00
Publication	\$100.00	\$100.00
City Administration Fee	\$2,000.00	\$2,000.00
County Administration Fee	<u>\$900.00</u>	<u>\$900.00</u>
Est. Total Administration Costs	\$7,000.00	\$7,000.00
Est. Contingency	\$412.00	\$528.00
Total Estimated Revenue Required for 2004-2005 Fiscal Year	\$8,512.00	\$11,228.00
Total Appropriation Required from Existing Fund Balance	\$0.00	\$0.00
Total Estimated Assessment for 2004-2005 Fiscal Year	\$8,512.00	\$11,228.00
Total dueF	28	28
Assessment per dueF	\$304.00	\$401.00
MAXIMUM ANNUAL ASSESSMENT		\$401.00

ASSESSMENT ROLL

The assessment roll for the fiscal year 2004-2005 is as follows:

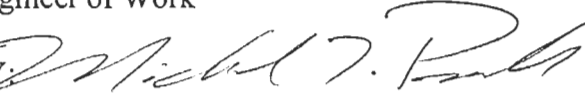
Assessment No.	APN No.	Future Lot Nos.	Owner	No. of dueF's	FY 2004-05 Estimated Assessment	FY 2004-05 Maximum Assessment
<i>Millsbridge II, Zone 3</i>						
1	031-040-35	1-11, 25-27	R. Thomas Development Inc. and Tokay Development Inc.	14	\$3,136.00	\$4,522.00
2	031-040-36	12-24	R. Thomas Development Inc. and Tokay Development Inc.	13	\$2,912.00	\$4,199.00
3	031-040-10	28-30	Mazen M. Mardini	3	\$672.00	\$969.00
4	031-040-11	31-33	Jeffrey/Carol Kirst Trust and Ronald B. Thomas Trust	3	\$672.00	\$969.00
5	031-040-12	34-35	Jeffrey/Carol Kirst Trust and Ronald B. Thomas Trust	2	\$448.00	\$646.00
6	031-040-14	36	Jeffrey/Carol Kirst Trust and Ronald B. Thomas Trust	1	\$224.00	\$323.00
7	031-040-38	37	Darrell & Rhonda Sasaki	2	\$448.00	\$646.00
Total Zone 3				38	\$8,512.00	\$12,274.00
<i>Almond North, Zone 4</i>						
1	062-060-14	1-27	Almond North, LLC	27	\$8,208.00	\$10,827.00
2	062-060-15	28	Almond North, LLC	1	\$304.00	\$401.00
Total Zone 4				28	\$8,512.00	\$11,228.00

The parcels in this subdivision are expected to subdivide upon and subsequent to the formation of Zones 3 and 4. The proposed subdivision will yield approximately 66 parcels (residential lots) and will have a proposed assessment roll, based on the above criteria and budget, set forth in Exhibit A.

Engineer's Report
Millsbridge II Zone 3 and
Almond North Zone 4
Page 9 of 9
March 9, 2004

The foregoing Engineer's Report and the estimate of costs, as well as the Assessment Diagram and Assessment Roll, which are attached hereto, are presented for your approval by resolution dated this _____ day of _____, 2004.

THOMPSON-HYSELL ENGINEERS
Engineer of Work

BY: 
Michael T. Persak
RCE 44908



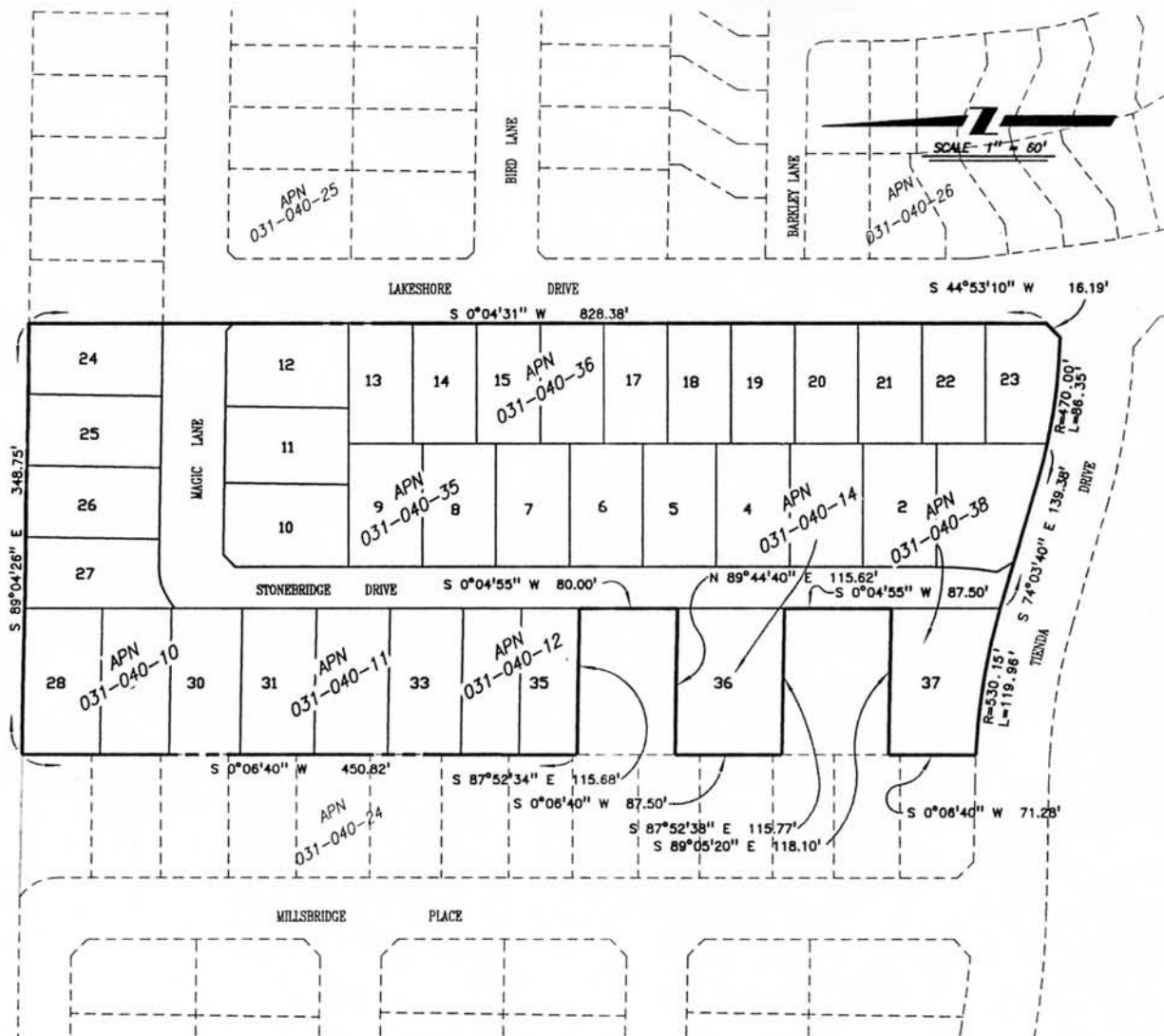
**EXHIBIT A
ASSESSMENT ROLL
MILLSBRIDGE II ZONE 3 AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)
CITY OF LODI, CA**

DIAGRAM NUMBER	COUNTY ASSESSOR NUMBER	UNIT NO.	LOT NO.	FY 2004-05 ESTIMATED ASSESSMENT	FY 2004-05 MAXIMUM ASSESSMENT
1	031-040-35	Millsbridge II	Lot No. 1	\$224.00	\$323.00
2	031-040-35	Millsbridge II	Lot No. 2	\$224.00	\$323.00
3	031-040-35	Millsbridge II	Lot No. 3	\$224.00	\$323.00
4	031-040-35	Millsbridge II	Lot No. 4	\$224.00	\$323.00
5	031-040-35	Millsbridge II	Lot No. 5	\$224.00	\$323.00
6	031-040-35	Millsbridge II	Lot No. 6	\$224.00	\$323.00
7	031-040-35	Millsbridge II	Lot No. 7	\$224.00	\$323.00
8	031-040-35	Millsbridge II	Lot No. 8	\$224.00	\$323.00
9	031-040-35	Millsbridge II	Lot No. 9	\$224.00	\$323.00
10	031-040-35	Millsbridge II	Lot No. 10	\$224.00	\$323.00
11	031-040-35	Millsbridge II	Lot No. 11	\$224.00	\$323.00
12	031-040-36	Millsbridge II	Lot No. 12	\$224.00	\$323.00
13	031-040-36	Millsbridge II	Lot No. 13	\$224.00	\$323.00
14	031-040-36	Millsbridge II	Lot No. 14	\$224.00	\$323.00
15	031-040-36	Millsbridge II	Lot No. 15	\$224.00	\$323.00
16	031-040-36	Millsbridge II	Lot No. 16	\$224.00	\$323.00
17	031-040-36	Millsbridge II	Lot No. 17	\$224.00	\$323.00
18	031-040-36	Millsbridge II	Lot No. 18	\$224.00	\$323.00
19	031-040-36	Millsbridge II	Lot No. 19	\$224.00	\$323.00
20	031-040-36	Millsbridge II	Lot No. 20	\$224.00	\$323.00
21	031-040-36	Millsbridge II	Lot No. 21	\$224.00	\$323.00
22	031-040-36	Millsbridge II	Lot No. 22	\$224.00	\$323.00
23	031-040-36	Millsbridge II	Lot No. 23	\$224.00	\$323.00
24	031-040-36	Millsbridge II	Lot No. 24	\$224.00	\$323.00
25	031-040-35	Millsbridge II	Lot No. 25	\$224.00	\$323.00
26	031-040-35	Millsbridge II	Lot No. 26	\$224.00	\$323.00
27	031-040-35	Millsbridge II	Lot No. 27	\$224.00	\$323.00
28	031-040-10	Millsbridge II	Lot No. 28	\$224.00	\$323.00
29	031-040-10	Millsbridge II	Lot No. 29	\$224.00	\$323.00
30	031-040-10	Millsbridge II	Lot No. 30	\$224.00	\$323.00
31	031-040-11	Millsbridge II	Lot No. 31	\$224.00	\$323.00
32	031-040-11	Millsbridge II	Lot No. 32	\$224.00	\$323.00
33	031-040-11	Millsbridge II	Lot No. 33	\$224.00	\$323.00
34	031-040-12	Millsbridge II	Lot No. 34	\$224.00	\$323.00
35	031-040-12	Millsbridge II	Lot No. 35	\$224.00	\$323.00
36	031-040-14	Millsbridge II	Lot No. 36	\$224.00	\$323.00
37	031-040-38	Millsbridge II	Lot No. 37 (duplex)	\$448.00	\$646.00
ZONE 3 TOTAL				\$8,512.00	\$12,274.00

**EXHIBIT A
ASSESSMENT ROLL
MILLSBRIDGE II ZONE 3 AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)
CITY OF LODI, CA**

DIAGRAM NUMBER	COUNTY ASSESSOR NUMBER	UNIT NO.	LOT NO.	FY 2004-05 ESTIMATED ASSESSMENT	FY 2004-05 MAXIMUM ASSESSMENT
38	062-060-14	Almond North	Lot No. 1	\$304.00	\$401.00
39	062-060-14	Almond North	Lot No. 2	\$304.00	\$401.00
40	062-060-14	Almond North	Lot No. 3	\$304.00	\$401.00
41	062-060-14	Almond North	Lot No. 4	\$304.00	\$401.00
42	062-060-14	Almond North	Lot No. 5	\$304.00	\$401.00
43	062-060-14	Almond North	Lot No. 6	\$304.00	\$401.00
44	062-060-14	Almond North	Lot No. 7	\$304.00	\$401.00
45	062-060-14	Almond North	Lot No. 8	\$304.00	\$401.00
46	062-060-14	Almond North	Lot No. 9	\$304.00	\$401.00
47	062-060-14	Almond North	Lot No. 10	\$304.00	\$401.00
48	062-060-14	Almond North	Lot No. 11	\$304.00	\$401.00
49	062-060-14	Almond North	Lot No. 12	\$304.00	\$401.00
50	062-060-14	Almond North	Lot No. 13	\$304.00	\$401.00
51	062-060-14	Almond North	Lot No. 14	\$304.00	\$401.00
52	062-060-14	Almond North	Lot No. 15	\$304.00	\$401.00
53	062-060-14	Almond North	Lot No. 16	\$304.00	\$401.00
54	062-060-14	Almond North	Lot No. 17	\$304.00	\$401.00
55	062-060-14	Almond North	Lot No. 18	\$304.00	\$401.00
56	062-060-14	Almond North	Lot No. 19	\$304.00	\$401.00
57	062-060-14	Almond North	Lot No. 20	\$304.00	\$401.00
58	062-060-14	Almond North	Lot No. 21	\$304.00	\$401.00
59	062-060-14	Almond North	Lot No. 22	\$304.00	\$401.00
60	062-060-14	Almond North	Lot No. 23	\$304.00	\$401.00
61	062-060-14	Almond North	Lot No. 24	\$304.00	\$401.00
62	062-060-14	Almond North	Lot No. 25	\$304.00	\$401.00
63	062-060-14	Almond North	Lot No. 26	\$304.00	\$401.00
64	062-060-14	Almond North	Lot No. 27	\$304.00	\$401.00
65	062-060-15	Almond North	Lot No. 28	\$304.00	\$401.00
ZONE 4 TOTAL				\$8,512.00	\$11,228.00

WOODBRIDGE IRRIGATION DISTRICT CANAL



**PROPOSED AMENDED BOUNDARIES
(MILLSBRIDGE II, ZONE 3 ANNEXATION)
CITY OF LODI CONSOLIDATED LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT
NO. 2003-1 CITY OF LODI,
SAN JOAQUIN COUNTY
STATE OF CALIFORNIA**

BEING A PORTION OF THE SOUTHWEST
QUARTER OF SECTION 11, T.3N., R.6E., M.D.B.&M.,
CITY OF LODI,
SAN JOAQUIN COUNTY, CALIFORNIA

THOMPSON-HYSELL ENGINEERS
1016 12th STREET MODESTO, CALIFORNIA
MARCH, 2004

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI, THIS _____ DAY
OF _____, 2004.

CITY CLERK OF THE CITY OF LODI

RECORDED THIS _____ DAY OF _____, 2004, AT THE HOUR
OF _____ O'CLOCK _____ M. IN BOOK _____ PAGE _____ OF
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

COUNTY RECORDER
OF SAN JOAQUIN COUNTY, CALIFORNIA

I, HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED
BOUNDARIES OF LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1, CITY OF LODI, SAN JOAQUIN
COUNTY, CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE
CITY OF LODI AT A REGULAR MEETING THEREOF, HELD ON THE
DAY OF _____, 2004, BY ITS RESOLUTION NO.

CITY CLERK OF THE CITY OF LODI

THE AMENDED BOUNDARY MAP AMENDS THE BOUNDARY MAP FOR CITY OF LODI
CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1,
CITY OF LODI, SAN JOAQUIN COUNTY, STATE OF CALIFORNIA PRIOR RECORDED
AT BOOK 4 OF MAPS AND ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS
AT PAGE 105, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF
SAN JOAQUIN, STATE OF CALIFORNIA.

LEGEND:

OVERALL DISTRICT BOUNDARY LINE

EXHIBIT B

PROPOSED AMENDED BOUNDARIES
(ALMOND NORTH, ZONE 4 ANNEXATION)
CITY OF LODI CONSOLIDATED LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT
NO. 2003-1 CITY OF LODI,
SAN JOAQUIN COUNTY
STATE OF CALIFORNIA

BEING A PORTION OF THE SOUTHWEST
QUARTER OF SECTION 14, T.34N., R.6E., M.D.B.&M.,
CITY OF LODI,
SAN JOAQUIN COUNTY, CALIFORNIA

THOMPSON-HYSELL ENGINEERS
1016 12th STREET MODESTO, CALIFORNIA
MARCH, 2004

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI, THIS _____ DAY
OF _____, 2004.

CITY CLERK OF THE CITY OF LODI _____

RECORDED THIS _____ DAY OF _____, 2004, AT THE HOUR
OF _____ O'CLOCK _____ M. IN BOOK _____ PAGE _____
OF MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

COUNTY RECORDER
OF SAN JOAQUIN COUNTY, CALIFORNIA _____

I, HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED
BOUNDARIES OF LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1, CITY OF LODI, SAN JOAQUIN
COUNTY, CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE
CITY OF LODI AT A REGULAR MEETING THEREOF, HELD ON THE
DAY OF _____, 2004, BY ITS RESOLUTION NO. _____

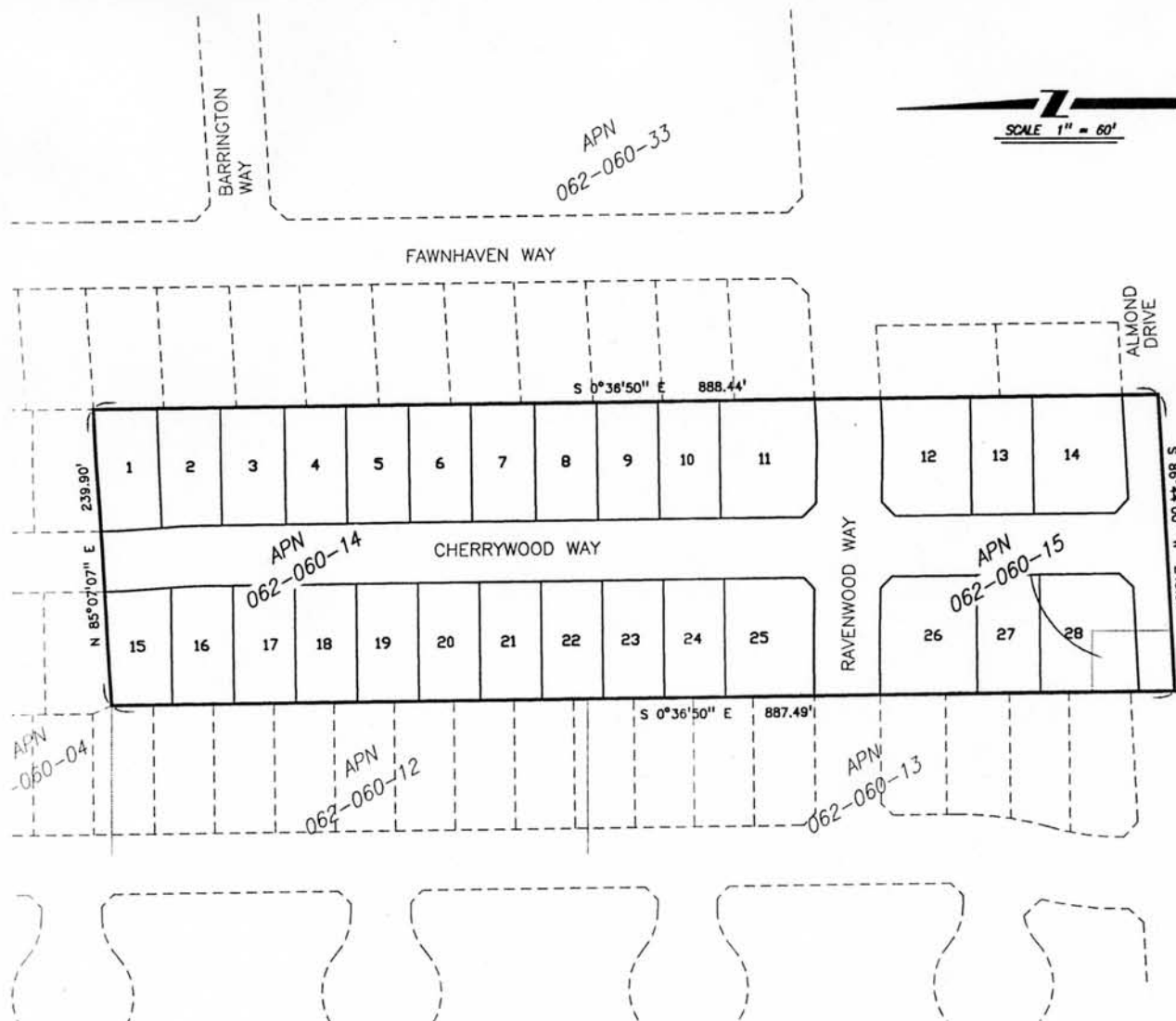
CITY CLERK OF THE CITY OF LODI _____

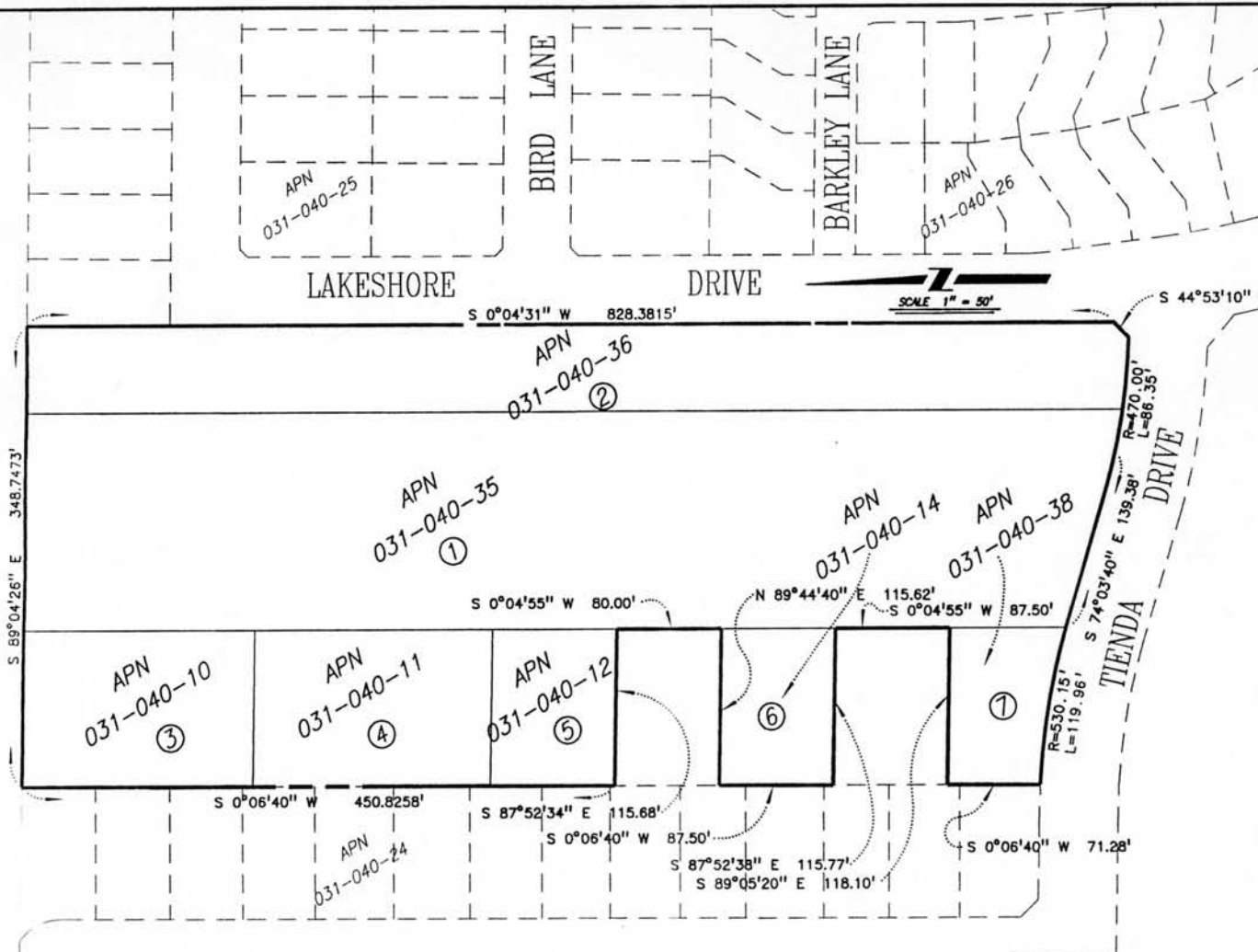
THE AMENDED BOUNDARY MAP AMENDS THE BOUNDARY MAP FOR CITY OF LODI
CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1,
CITY OF LODI, SAN JOAQUIN COUNTY, STATE OF CALIFORNIA PRIOR RECORDED
AT BOOK 4 OF MAPS AND ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS
AT PAGE 105, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF
SAN JOAQUIN, STATE OF CALIFORNIA.

LEGEND:

OVERALL DISTRICT BOUNDARY LINE

EXHIBIT B



**NOTES:**

1. ASSESSMENTS APPLY ONLY TO LAND LOCATED WITHIN THE CITY OF LODI AND WITHIN THE DESIGNATED ASSESSOR'S PARCELS.
2. THIS MAP WAS COMPILED FROM THE RECORD INFORMATION AND IS NOT THE RESULT OF A FIELD SURVEY.
3. THIS ASSESSMENT DISTRICT CONTAINS 8.03 ACRES.

LEGEND:

- ASSESSMENT DISTRICT BOUNDARY LINE
- ① ASSESSMENT DISTRICT PARCEL NUMBER

ASSESSMENT DIAGRAM INDEX

BOOK	PAGE	PARCELS
062	060	10, 11, 12, 14, 35, 38, 39

**ASSESSMENT DIAGRAM, ZONE 3
MILLSBRIDGE II
CITY OF LODI CONSOLIDATED LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT
NO. 2003-1 CITY OF LODI,
SAN JOAQUIN COUNTY
STATE OF CALIFORNIA**

BEING THE SOUTHWEST QUARTER OF SECTION 11,
T.3 N., R. 6 E., M. D. B. & M.,
CITY OF LODI,
SAN JOAQUIN COUNTY, CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS _____
DAY OF _____, 2004.

CITY CLERK OF THE CITY OF LODI

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS _____
DAY OF _____, 2004.

SUPERINTENDENT OF STREETS
OF THE CITY OF LODI

FILED THIS _____ DAY OF _____, 2004 AT THE HOUR
OF _____ O'CLOCK _____ M. IN BOOK _____ PAGE _____
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

ASSESSOR-RECORDER-COUNTY CLERK
OF SAN JOAQUIN COUNTY, CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF LODI,
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ON THE PIECES AND PARCELS
OF LAND SHOWN ON THE ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED
ON THE _____ DAY OF _____, 2003. THE ASSESSMENT DIAGRAM AND THE
ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT
OF STREETS OF THE CITY ON THE _____ DAY OF _____, 2004.
REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE
SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT
LEVIED AGAINST EACH PARCEL OF LAND SHOWN OF THIS ASSESSMENT DIAGRAM.

CITY CLERK OF THE CITY OF LODI

EXHIBIT C

SHEET 1 OF 2



**THOMPSON-HYSELL
ENGINEERS**
A DIVISION OF THE HENSEN CORPORATION, INC.
10101 10TH AVENUE, SUITE 100, DENVER, CO 80231 (303) 757-0000

031-04

THIS MAP FOR
ASSESSMENT USE ONLY
POR.
C-TIENDA PLAGE, UNIT NO. 1



S.W. 1/4 SEC. 11 T.3N.R.6E.

SCALE 1"=300'
SAN JOAQUIN COUNTY
ASSESSORS MAPS

A - P. M. Bk. 7 Pg. 125
B - P. M. Bk. 20 Pg. 172
C - R. M. Bk. 35 Pg. 060
D - P. M. Bk. 22 Pg. 110

~~SEC~~ 24 2002

ASSESSMENT DIAGRAM, ZONE 4
ALMOND NORTH
CITY OF LODI CONSOLIDATED LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT
NO. 2003-1 CITY OF LODI,
SAN JOAQUIN COUNTY
STATE OF CALIFORNIA

BEING A PORTION OF LOT 14, A.J. LARSON'S
SUBDIVISION OF THE NORTHEAST QUARTER
OF SECTION 13, T.3N., R.6., M. D. B. & M.,
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS _____
DAY OF _____, 2004.

CITY CLERK OF THE CITY OF LODI _____

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS _____
DAY OF _____, 2004.

SUPERINTENDENT OF STREETS
OF THE CITY OF LODI _____

FILED THIS _____ DAY OF _____, 2004 AT THE HOUR
OF _____ O'CLOCK _____ M. IN BOOK _____ PAGE _____ OF
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

ASSESSOR-RECORDER-COUNTY CLERK
OF SAN JOAQUIN COUNTY, CALIFORNIA _____

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF LODI,
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ON THE PIECES AND PARCELS
OF LAND SHOWN ON THE ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED
ON THE _____ DAY OF _____, 2004. THE ASSESSMENT DIAGRAM AND THE
ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT
OF STREETS OF THE CITY ON THE _____ DAY OF _____, 2003.
REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE
SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT
LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

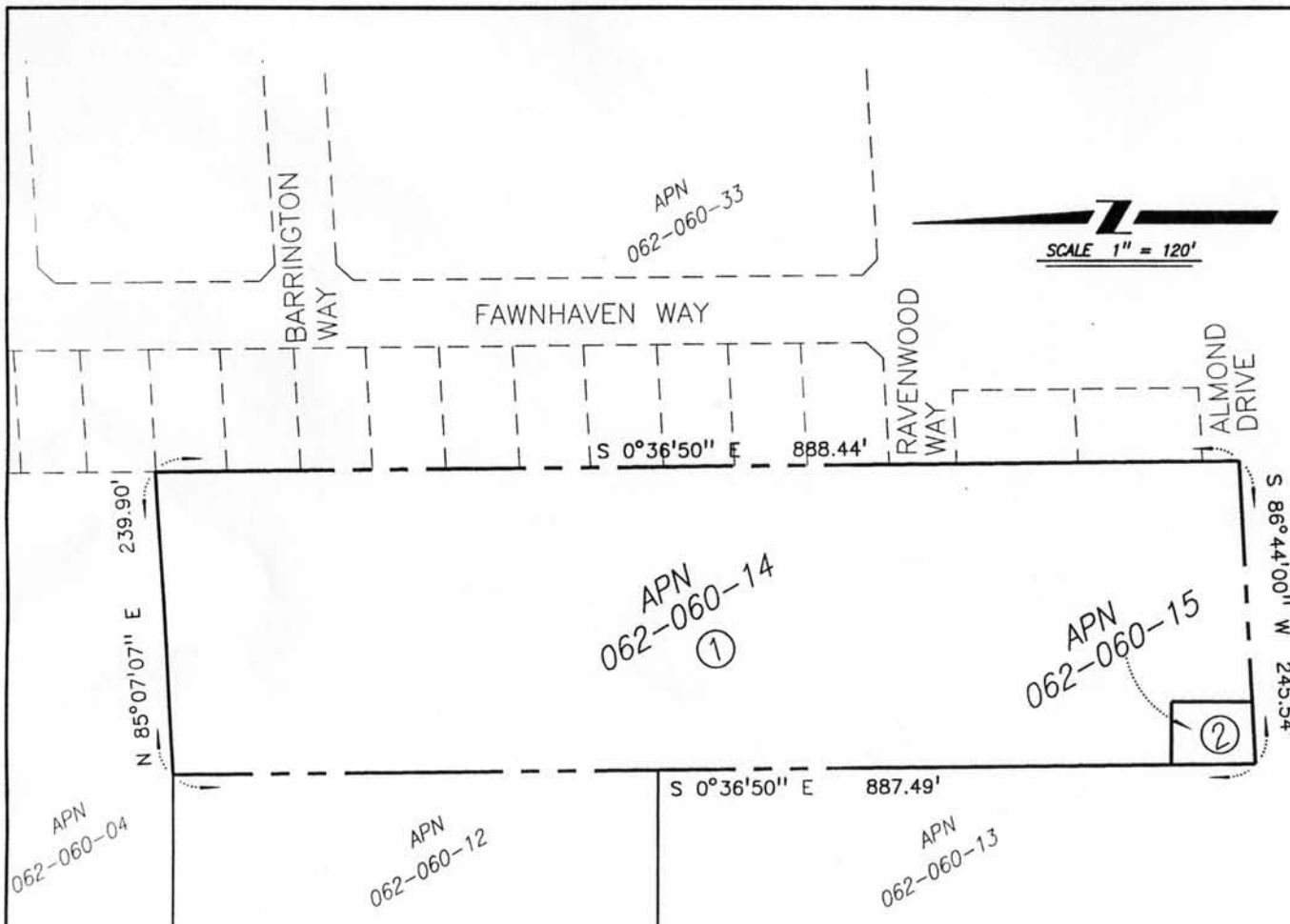
CITY CLERK OF THE CITY OF LODI _____

EXHIBIT C

SHEET 1 OF 2

**THOMPSON-HYSELL
ENGINEERS**

A DIVISION OF THE KORTH COMPANY, INC.
1016 18TH STREET, MODESTO, CA. 95354 (209) 521-8888



NOTES:

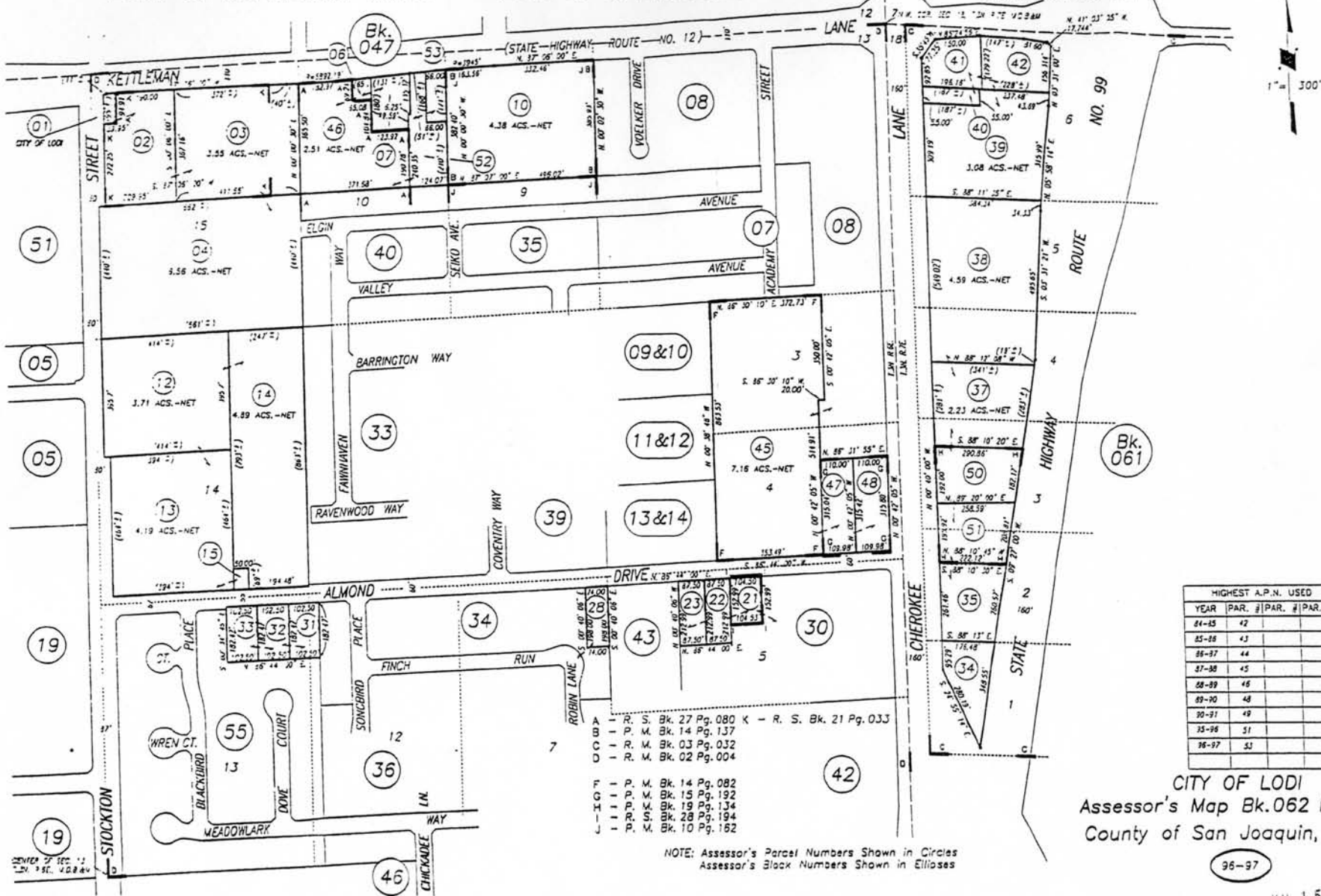
1. ASSESSMENTS APPLY ONLY TO LAND LOCATED WITHIN THE CITY OF LODI AND WITHIN THE DESIGNATED ASSESSOR'S PARCELS.
2. THIS MAP WAS COMPILED FROM THE RECORD INFORMATION AND IS NOT THE RESULT OF A FIELD SURVEY.
3. THIS ASSESSMENT DISTRICT CONTAINS 5.00 ACRES.

LEGEND:

- ASSESSMENT DISTRICT BOUNDARY LINE
① ASSESSMENT DISTRICT PARCEL NUMBER

ASSESSMENT DIAGRAM INDEX

BOOK	PAGE	PARCELS
062	060	14, 15



HIGHEST A.P.N. USED			
YEAR	PAR. #	PAR. #	PAR. #
84-85	42		
85-86	43		
86-87	44		
87-88	45		
88-89	46		
89-90	48		
90-91	49		
91-92	51		
92-93	52		

CITY OF LODI
Assessor's Map Bk. 062 Pg. 06
County of San Joaquin, Calif.

96-97

11/15/1999

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL MAKING PRELIMINARY
DETERMINATION TO ANNEX TWO TERRITORIES TO A MAINTENANCE
ASSESSMENT DISTRICT, TO FORM TWO ZONES, TO LEVY AN ANNUAL
ASSESSMENT FOR COSTS INCURRED AND PRELIMINARY APPROVAL OF
ENGINEER'S REPORT

MILLSBRIDGE II ZONE 3
AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
(Landscaping and Lighting Act of 1972)

=====

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council, that:

1. The City Council proposes to annex two territories to an existing assessment district, to form two Zones and to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 (Streets. & Highways Code, §22500, et seq.) (the "Act").
2. The improvements to be installed and /or maintained in the territories to be annexed are generally described in Exhibit A (Millsbridge) and Exhibit B (Almond North) attached hereto and incorporated herein as thought set out in full.
3. The territories to be annexed shall be known as follows:
 - A. Millsbridge II Zone 3 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (Landscaping and Lighting Act of 1972), City of Lodi, San Joaquin County, California. The territory to be annexed Millsbridge II, is a residential area comprising 32 lots, south of the Woodbridge Irrigation District canal, west of Lakeshore Drive and north of Tienda Drive in the City of Lodi, California.
 - B. Almond North Zone 4, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (Landscaping and Lighting Act of 1972), City of Lodi, San Joaquin County, California. The territory to be annexed Almond North, is a residential area comprising 28 lots, north of Almond Drive and east of Stockton Street in the City of Lodi, California.
4. Thompson-Hysell Engineering, a division of The Keith Companies, Inc., of Modesto, California, is directed to prepare and file a report in accordance with Article 4 (commencing with Section 22565 of Chapter 1 of Streets. & Highways Code.)

5. Thompson-Hysell Engineering, a division of The Keith Companies, Inc., designated engineer, in accordance with the Council's directive herein, has filed with the City Clerk the Report required by Section 22585 of the Act which Report is hereby preliminarily approved.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

SUSAN J. BLACKSTON
City Clerk

2004-____

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO
ANNEX TWO TERRITORIES TO A MAINTENANCE ASSESSMENT DISTRICT,
TO FORM TWO ZONES, TO LEVY AND COLLECT AN ANNUAL ASSESSMENT
FOR MAINTENANCE AND OPERATION OF IMPROVEMENTS AND FOR
COSTS AND EXPENSES AND SETTING TIME AND PLACE OF PUBLIC
HEARING AND SETTING FORTH MAILED PROPERTY OWNER BALLOT
PROCEDURE AND NOTICE

MILLSBRIDGE II ZONE 3
AND
ALMOND NORTH ZONE 4
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
(Landscaping and Lighting Act of 1972)

=====

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council, that:

1. The City Council proposes to annex territory to an existing assessment district, to form a Zone and to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 (Streets. & Highways Code, §22500, et seq.) (the "Act").

2. The improvements to be installed and /or maintained in the territories to be annexed are generally described in Exhibit A (Millsbridge) and Exhibit B (Almond North) attached hereto and incorporated herein as though set out in full.

3. The territories to be annexed shall be known as follows:

- A. Millsbridge II Zone 3, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (Landscaping and Lighting Act of 1972), City of Lodi, San Joaquin County, California. The territory to be annexed Millsbridge II, is a residential area comprising 32 lots, south of the Woodbridge Irrigation District canal, west of Lakeshore Drive and north of Tienda Drive in the City of Lodi, California.
- B. Almond North Zone 4, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (Landscaping and Lighting Act of 1972), City of Lodi, San Joaquin County, California. The territory to be annexed Almond North is a residential area comprising 28 lots, north of Almond Drive and east of Stockton Street in the City of Lodi, California.

4. In accordance with the City Council's resolution initiating proceedings, Thompson-Hysell Engineering, a division of The Keith Companies, Inc., of Modesto, California, designated engineer, has filed with the City Clerk the Report required by Section 22585 of the Act, which Report has been preliminarily approved by this Council. All interested persons are referred to that Report for a full and detailed description of the improvements, the Zone to be formed, the proposed assessments upon assessable lots and parcels of land within the

territories proposed to be annexed and the proposed budgets for the fiscal year 2004/2005, the estimated cost of annual operation and maintenance of the improvements and the maximum annual assessment.

5. On Wednesday, May 5, 2004, at the hour of 7:00 p.m. or as soon thereafter as possible, at the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, the City Council will conduct a public hearing at which the Council will hear and consider any objections and protests respecting (a) whether the public interest and convenience require the improvements and/or maintenance thereof, (b) the extent of the territory to be annexed and the formation of Zones 3 and 4, (c) the estimated costs and expenses of the project, (d) the amounts of the assessments proposed to be levied upon the benefited parcels, and (e) the method or formula by which benefit has been estimated and any other aspect of the proposed annexation of territory and Zone 3 and 4 formation to which any interested person may want to object or protest. The City Clerk shall tabulate the assessment ballots received and report the same to the City Council.

6. The proposed boundaries of the proposed territories to be annexed are hereby described as shown on a map thereof on file in the office of the City Clerk (the "Amended Boundary Map"), which indicates by a boundary line the extent of the territory to be included in the proposed annexation and which Amended Boundary Map shall govern for all details for further purposes of the proceedings for the annexation and to which reference is hereby made for further particulars. This Council approves the map and adopts the boundaries shown on the map as describing the extent of the territory included in the proposed annexation and finds that the map is in the form and contains the matters prescribed by Section 3113 of the California Streets and Highways Code. This Council directs the City Clerk to certify the adoption of this resolution on the face of the map, and to record, or cause to be recorded, said map of the boundaries of the territory proposed to be annexed in the office of the County Recorder within ten days of the date of the adoption of this Resolution.

7. Notice is further given that Wally Sandelin of the Public Works Department, Telephone (209) 333-6709, is the person and the department designated by this Council to answer inquiries regarding the protest proceedings.

8. The City Clerk is hereby authorized and directed to cause notice of the hearings ordered under Section 5 hereof to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to all property owners within the territories to be annexed as shown in the Engineer's Report by such mailing by name to those persons whose name and addresses appear on the last equalized assessment roll of the County of San Joaquin or the State Board of Equalization assessment roll, as the case may be. The notice shall include, but not be limited to, the total amount of the assessment proposed to be levied in the territories proposed to be annexed, the assessment proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessment and the basis upon which the amount of the assessment was calculated. Each notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots and a statement that the existence of a majority protest will result in the assessment not being imposed. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

SUSAN J. BLACKSTON
City Clerk

2004-_____

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH TIMOTHY J. HACHMAN, ATTORNEY AT LAW, FOR SERVICES
REQUIRED IN SUPPORT OF THE ANNEXATION OF MILLSBRIDGE II
ZONE 3 AND ALMOND NORTH ZONE 4 TO THE LODI CONSOLIDATED
LANDSCAPE MAINTENANCE DISTRICT NO. 2003-1

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
authorize the City Manager to execute a professional services agreement with Timothy J.
Hachman, Attorney at Law, for services required in support of the annexation of
Millsbridge II Zone 3 and Almond North Zone 4 to the Lodi Consolidated Landscape
Maintenance District No. 2003-1, in an amount not to exceed \$7,000.00.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the
Lodi City Council in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH THOMPSON-HYSELL ENGINEERS, A DIVISION OF THE KEITH
COMPANIES, INC., FOR SERVICES REQUIRED IN SUPPORT OF THE
ANNEXATION OF MILLSBRIDGE II ZONE 3 AND ALMOND NORTH
ZONE 4 TO THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE
DISTRICT NO. 2003-1

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
authorize the City Manager to execute a professional services agreement with
Thompson-Hysell Engineers, a Division of the Keith Companies, Inc., for services
required in support of the annexation of Millsbridge II Zone 3 and Almond North Zone 4 to
the Lodi Consolidated Landscape Maintenance District No. 2003-1, in an amount not to
exceed \$8,500.00.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the
Lodi City Council in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Set Public Hearing for April 7, 2004 to consider an appeal received from Key Advertising Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.


MEETING DATE: March 17, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council Set a Public Hearing for April 7, 2004 to consider an appeal received from Key Advertising Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.

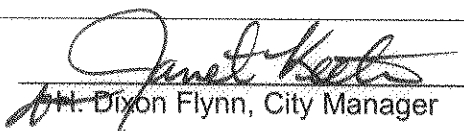
BACKGROUND INFORMATION: None

FUNDING: None


Konradt Bartlam
Community Development Director

/lw

APPROVED:


Pat Dixon Flynn, City Manager

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Conduct Public Hearing on March 17, 2004 to consider the Planning Commission's recommendation of approval to the City Council for a Rezoning for 5952 E. Pine Street. The Rezoning is from San Joaquin County A-U, Agricultural Urban Reserve to M-2, Heavy Industrial. The request also includes a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for the project and initiate annexation of the property into the city

MEETING DATE: March 17, 2004

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation of approval for a Rezoning for 5952 E. Pine Street. The Rezoning will be from San Joaquin County AU-20 to City of Lodi M-2, Heavy Industrial. That the City Council also approves the recommendation to certify Negative Declaration ND-03-13 as adequate environmental documentation for the project and initiate annexation of the property into the City of Lodi.

BACKGROUND INFORMATION: The 10-acre Galantine property is located on the eastern edge of the City limits. The property is bare except for an older farmhouse and barn adjacent to Pine Street. The property is currently fallow although it was farmed in past years. Most of the properties in the surrounding area are in the City limits and are developed with a variety of industrial or commercial uses. Of the properties on the west side of the Central California Traction Line, there are only 4 properties in this area that are not in the City limits. These properties include the Galantine property, a small residential property to the south, and the two properties owned by the Lodi Memorial Cemetery immediately to the west. The cemetery properties have chosen to stay in the County, probably because they are already substantially developed and their type of activity does not currently require City services. The residential property to the south has also not expressed any interest in annexing. The property is already developed with a single-family residence and there is limited potential to further develop because of its small size and limited access. The area to the east, across the railroad line is in the County and is primarily in agricultural use. There is a large fruit packing building and a winery northeast of the Galantine property that are in the County

The two cemetery properties to the west will be somewhat isolated from the County except for a narrow connection through the triangular shaped residential property south of the Galantine property. Ordinarily this might be an issue regarding the ability of the County to service the two properties. In this particular situation, it should not be a significant problem. The area is at the edge of the City limits, with the County located just west across the CCT line. The County would only have to cross a few hundred feet of the City to get to the cemetery properties. Additionally, because property is a cemetery, the demand for service for either the sheriff or fire protection should be very low. Even now, the fastest way to get to the property is by way of Victor Rd./Hwy.12 and Guild Ave., both, which are in the City limits.

APPROVED:

[Signature]
 Mr. Dixon Flynn, City Manager

The Galantine property is currently shown on the City's General Plan and is designated HI, Heavy Industrial. The recommended rezoning from AU-20 to M-2, Heavy Industrial will make the zoning consistent with the General Plan. The zoning will allow the property to be developed with industrial uses consistent with surrounding development. The subsequent annexation of the property will allow the property to be developed with City utilities and services, as opposed to County services and a private well, septic system and storm drain pond. The proposal is a reasonable request and will permit the orderly development of the property consistent with the surrounding area.

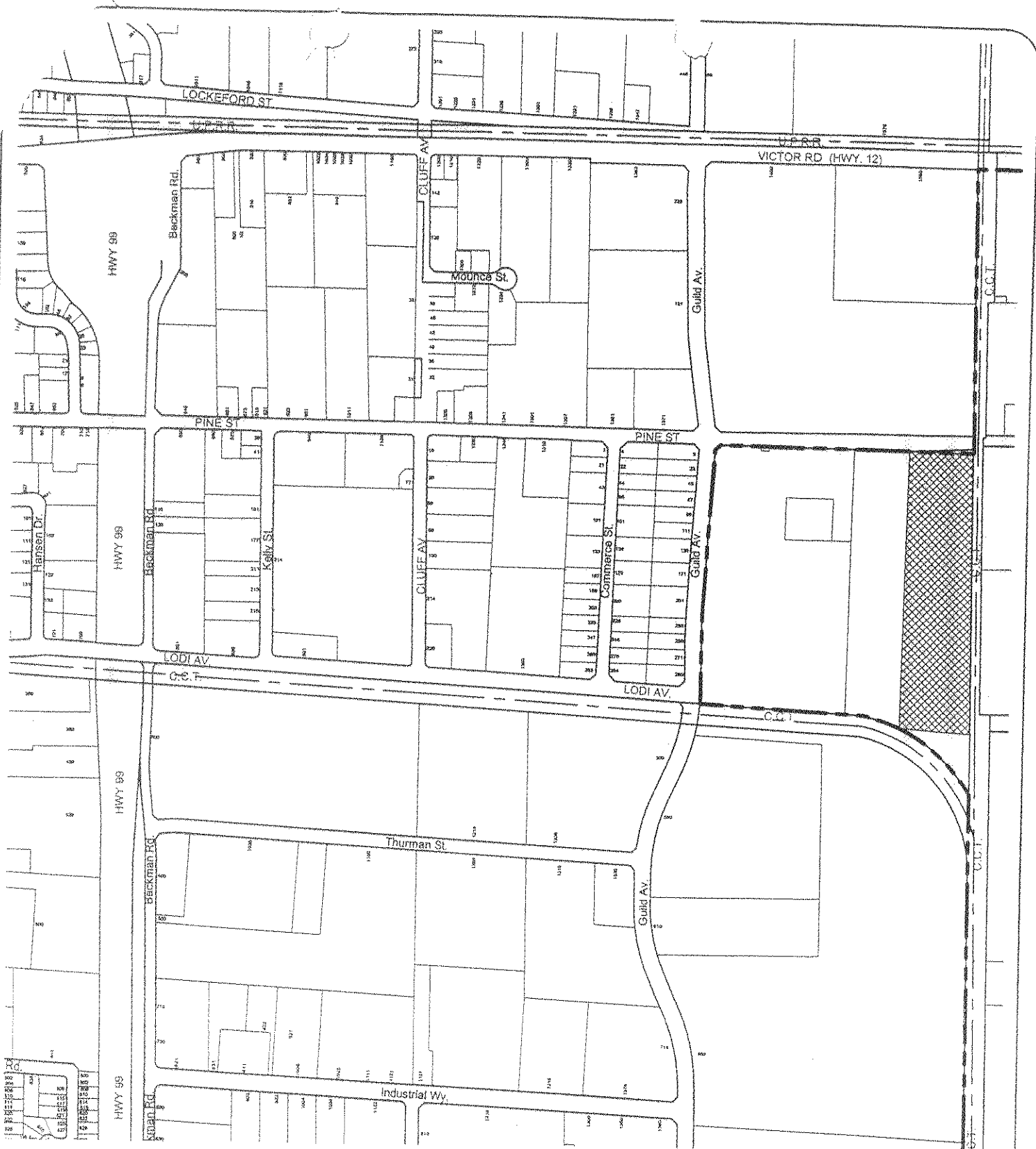
FUNDING: None

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Konrad Bartlam
Community Development Director

KB/DM/lw

Attachments



VICINITY MAP

Galantine Annexation
 Negative Declaration
 1552 East Pine Street
 ND-03-13





MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: January 28, 2004
Subject: The request of Richard Galantine for the Planning Commission's recommendation of approval to the City Council for an Annexation and Rezoning for 5952 East Pine Street. The rezoning is from AU, Agriculture-Urban Reserve (County), to M-2, Heavy Industrial (City). The request also includes a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for this project.

SUMMARY

The proposed annexation is a 10-acre parcel currently in the County. The property is bounded by Pine Street on the north, the Central California Traction Line (CCT) on the east, a residential parcel on the south and a vacant parcel owned by the neighboring Lodi Memorial Cemetery on the west. The cemetery properties and the residential property to the south are in the County and have elected not to be included in the annexation. The area north of the Galantine property is in the City limits.

The proposed annexation will bring the property into the City limits. This, coupled with a change in zoning from the current County zoning of AU, Agriculture-Urban Reserve to a City zoning of M-2, Heavy Industrial will allow the applicant to develop the property with industrial uses.

BACKGROUND

The 10-acre Galantine property is located on the eastern edge of the City limits. Most of the properties in the surrounding area are in the City limits and are developed with a variety of industrial or commercial uses. Of the properties on the west side of the CCT, there are only 4 properties in this area that are not in the City limits. These properties include the Galantine property, a residential property to the south, and the two properties owned by the Lodi Memorial Cemetery immediately to the west. The cemetery properties have chosen to stay in the County, probably because they are already developed on their larger parcel and that their type of activity does not require City utilities. The residential property to the south has also not expressed any interest in annexing into the City. The property is already developed with a single-family home and there is limited potential to develop further because of limited street access. The area to the east, across the traction line, is in the County and is primarily in agricultural use. There is a large fruit packing shed and a winery just northeast of the Galantine property that is also in the County. These properties will remain in the County.

Mr. Galantine would like to develop the property with industrial uses similar to surrounding uses. He could develop in the County but he would be much more limited in what types of uses he could have on the property. The County could not provide public water, sanitary sewage or storm drainage. If he can develop in the City, he can connect to the necessary public utilities and also obtain City police and fire protection.

ANALYSIS

The proposed annexation of the Galantine property to the City of Lodi appears to be a reasonable extension of the City limits. Currently, the CCT line forms the eastern boundary of the City both north and south of the subject property. The only unusual aspect of the proposal is that the 2 cemetery properties to the west and the residential property to the south will remain in the County, creating a pocket of County land almost encompassed by the City. Ordinarily this might be an issue regarding the ability of the County to provide service to the properties, particularly fire and police protection. In this situation, it should not be a significant problem. The area is at the edge of the City limits, and the County provides police and fire service to properties just across the railroad tracks on Pine Street and Sargent Road, including a large fruit packing operation just east of the Galantine property. It would not be a significant problem to drive a few hundred feet through the City to service a County property. Additionally, because the properties are an existing cemetery, the potential demand for County services is limited. There are a few buildings on the property, but otherwise the land is planted in grass and trees interspersed with gravesites. The same is true for police service. The cemetery does not generate a significant demand for Sheriff's service because of the nature of the land use. Even now, if there was a call for a sheriff's squad car, the fastest way to the cemetery is probably by way of City streets. It would be reasonable for the Galantine property to be able to develop in the City with full City utilities and street improvements as opposed to developing in the County with private water, sewer and storm drainage.

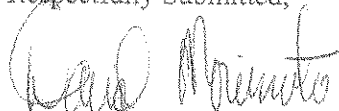
The rezoning to M-2, Heavy Industrial is a reasonable request. The zoning will match the existing zoning on surrounding City properties and allow development consistent with surrounding uses. The property has a current City General Plan designation of H-I, Heavy Industrial and the City has planned the area for industrial development.

The City has reviewed the project for potential environmental impacts. The process requires that potential areas of impact are identified and a level of significance assessed. This project was found to have no significant impacts. Documents to attest to this are provided in the attached documents. A Negative Declaration (ND-03-13) has been determined to be adequate environmental documentation for this project.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council of the request of Richard Galantine for his requested Annexation and rezoning for 5952 East Pine Street, and a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for the project. The recommendations shall be subject to the conditions listed in the attached resolution.

Respectfully Submitted,



David Morimoto
Senior Planner

Reviewed and Concur,



Konradt Bartlam
Community Development Director

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: January 28, 2004

APPLICATION NO: Galantine Annexation, AX-03-01
Prezone No. Z-03-02

REQUEST: The request of Richard Galantine for the Planning Commission's recommendation of the approval to the City Council for an Annexation and Prezoning for 5952 East Pine Street. The property has a City General Plan designation of H-I, Heavy Industrial and a County zoning of A-U, Agricultural-Urban Reserve. The request is to prezone the property to M-2, Heavy Industrial to make it consistent with the General Plan designation.

LOCATION: 5952 East Pine Street (APN 049-090-13).

APPLICANT: Richard Galantine
901 South Cherokee Lane
Lodi, CA 95240

PROPERTY OWNER: Richard Galantine

Site Characteristics:

The Property is a 10-acre parcel that is currently vacant except for an older residence adjacent to Pine Street. The property appears to have been farmed in the past but is currently not planted with any crops.

General Plan Designation: H-I, Heavy Industrial (City) and L-I, Limited-Industrial (S.J. Co.)
Zoning Designation: A-U, Agricultural-Urban Reserve (S.J. Co. designation)
Property Size 10 acres.

Adjacent Zoning and Land Use:

North: M-2, Heavy Industrial on the north side of Pine Street. Dart Containers has a large manufacturing facility northwest of the site, with plans for a possible expansion. There is also some vacant industrial acreage.

South: A-U, Agricultural-Urban Reserve (S.J. Co.) and M-2, Heavy Industrial. There is a 1.7-acre pie-shaped parcel directly south of the Galantine property that is in the county and zoned A-U. The property has a single-family residence. Further south, across the Central California Traction Line (CCT) is a large industrial warehouse and other industrial uses.

East: AG-40, General Agriculture (S.J. Co.), directly east across the CCT railroad and I-L, Limited Industrial (S.J. Co.) to the northeast. On the

east, the land uses are agriculture, with scattered residences. To the northeast, just outside the City limits is a large fruit packing operation that fronts on Pine Street and north of that a winery that fronts on Victor Road/Hwy 12 east.

West: M-2, Heavy Industrial, P-F, Public Facility (SJC) and A-U, Agriculture-Urban Reserve (SJC). The two properties immediately to west of the subject property are owned by the Lodi Memorial Cemetery. The western most property contains the cemetery and related buildings and is zoned P-F (Public Facilities) by the County. The other property located between the Galantine property and the cemetery is vacant and will be used for future expansion of the cemetery and is zoned A-U. Further to the west are parcels in the City limit that are developed with various industrial and commercial uses.

Neighborhood Characteristics:

The Galantine property is at the eastern edge of Lodi. The CCT that runs along the east side of the property generally forms the eastern edge of the City limits. Properties to the west are generally in the City and properties east of the CCT line are generally outside of the City. The subject area is one of the last pockets of County land west of the tracks. The adjoining two cemetery properties to the west and a small residential property to the south are the only properties west of the tracks that will remain in the County if the Galantine property is annexed. These properties have chosen not to be included in the annexation. Except for the cemetery properties and the small residential property to the south, the remaining properties west of the track are zoned industrial and most of the properties are developed with some type of industrial use. The area east of the tracks is generally in agricultural use except for the packing warehouse and the winery to the northeast.

The Galantine property was once a small farm with a residence. It does not appear that the land is being actively farmed and the land is fallow. The applicant would like to annex the property into the City, connect to City water, sewer and storm drainage, and develop the property with commercial/industrial uses.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND-03-13 has been prepared in accordance with CEQA. This document adequately addresses possible adverse environmental effects of this project. No significant impacts are anticipated.

PUBLIC HEARING NOTICE:

Legal Notice for the Annexation and Rezoning was published on January 17, 2004. A total of 6 notices were sent to all property owners of record within a 300-foot-radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request of Richard Galantine for a 10-acre annexation to the City of Lodi and the rezoning of the property to M-2, Heavy Industrial.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Deny the Request
- Approve the Request
- Continue the Request

ATTACHMENTS:

1. Vicinity Map
2. Negative Declaration
3. Draft Resolution

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

DRAFT

WEDNESDAY

January 28, 2004

7:00 P.M.

The Planning Commission met and was called to order by Chairman Mattheis.

Commissioners Present: Eddie Aguirre, Dennis Haugan, Randall Heinitz, Gina Moran, David Phillips, Dennis White, and Chairman. Mattheis **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner, Associate Planner, and Lisa Wagner, Secretary.

PUBLIC HEARINGS

The request of Richard Galantine for the Planning Commission's recommendation of the approval to the City Council for an Annexation and Rezoning for 5952 East Pine Street. Community Development Director Bartlam presented the item to the Commission. The property had a City General Plan designation of H-I, Heavy Industrial and a County zoning of I-L, Limited Industrial. The request was to Rezone the property to M-2, Heavy Industrial to make it consistent with the General Plan designation. The subject property was a 10-acre parcel located just east of the Lodi Memorial Cemetery. The request for annexation would be going through the LAFCO process once it is approved by the City Council. When the property is developed it will be an infill project surrounded by other industrial uses. Staff was recommending approval of the requests.

Commissioner Heinitz asked if the cemetery would remain in the County? Mr. Bartlam replied that it would remain in the County since they were reluctant to be annexed into the city.

Hearing Opened to the Public

No one came forward to speak on the matter.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner Heinitz, Haugan second voted to approve the request of Richard Galantine and to recommend approval to the City Council for the Annexation and Rezoning for 5952 East Pine Street by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners: White

ABSTAIN: Commissioners

NEGATIVE DECLARATION NO. 03-13

FOR

Galantine Annexation

APPLICANT: Richard Galantine

PREPARED BY:

CITY OF LODI
Community Development Department
P.O. BOX 3006
LODI, CA 95241

October ,2003

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CITY OF LODI

The Galantine Annexation

PROJECT DESCRIPTION

The Galantine Annexation is a proposal to annex, amend the general plan land use designation, and pre-zone a 10-acre property on the south side of East Pine Street, just west of the Central California Traction Line. More specifically, the property is located at 5952 E. Pine Street, at the eastern edge of Lodi, Assessor Parcel Number: (049-090-13).

At present, the subject parcel is in San Joaquin County adjacent to the eastern boundaries of the Lodi City limits. The property has a San Joaquin County General Plan designation of I-L, Limited Industrial Zone, a zone intended to provide for light manufacturing, warehousing, wholesaling, construction contracting and distribution. The County Zoning designation of AU, Agriculture-Urban Reserve is intended to retain in agriculture those areas planned for future urban development in order to facilitate compact, orderly urban development and to assure the proper timing and economical provision of services and utilities.

In order to develop within the City of Lodi, the applicant has applied for an Annexation and for Pre-zoning. When annexed to the City of Lodi, the property will retain the existing City General Plan designation of HI, Heavy Industrial and will be Pre-zoned to the City zoning designation of M-2, heavy industrial, to match the General Plan designation. At present the applicant has not indicated any specific development plan for the property. It is likely that the property will develop with some type of industrial use similar to the other properties in the surrounding area.

ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**
The Galantine Annexation
2. **Lead agency name and address:**
City of Lodi-Community Development Department
Box 3006, Lodi, CA 95241
3. **Contact person and phone number:**
David Morimoto
Senior Planner
(209) 333-6711
4. **Project location:**
San Joaquin County, CA.,
5952 E. Pine Street (APN) 049-090-13
Lodi, CA 95240.
5. **Project sponsor's name and address:**
Richard Galantine
901 S. Cherokee Lane
Lodi, CA 95240
6. **General plan designation:** (existing S.J. Co.) I-L, Limited Industrial Zone. (existing City) M-2, Heavy Industrial.
7. **Zoning designation:** (existing S.J. Co.) AU, Agriculture-Urban Reserve. Proposed (City) M-2, heavy-industrial.
8. **Description of project:** See "Project Description" section on page 2.
9. **Surrounding land uses and setting:** The subject property has been used for farming and contains a residence and related out buildings. Currently the property does not appear to be actively farmed and has been cleared of all vines or other crops.

The area surrounding the subject property has a variety of land uses. Immediately to the west is Lodi Memorial Cemetery, an established cemetery. The cemetery owns approximately 27.25 acres, 20 acres that is developed and 7.16 acres adjacent to the subject property for future expansion. This facility is also outside the City limits and has not expressed any interest in annexing to the City. Further to the west are numerous industrial building. North of the subject site is Dart Containers, a Styrofoam product manufacturing facility. They also have undeveloped land for future expansion. On the south is a small triangular shaped parcel that is vacant and bordered by the Central California Traction Line on two sides. South across the rail line is a large warehouse and other industrial buildings and properties. On the east, the CTT line borders the property. Properties east of the traction line are primarily in agricultural use with scattered residences. Northeast of the project site are two large fruit packing operations with extensive packing and warehouse facilities.

10. **Other public agencies whose approval is required:**
San Joaquin County Local Agency Formation Commission (LAFCO)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a ("Potentially Significant Impact" by the checklist on the following pages.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| | | <input type="checkbox"/> Mandatory Findings of Significance |

ENVIRONMENTAL IMPACTS:

I. LAND USE AND PLANNING.

Would the proposed:

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
mitigation
Incorporated | Less than
Significant
Impact | No
Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with general plan designation or zoning? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be incompatible with existing land use in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. POPULATION AND HOUSING.

Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. GEOLOGIC PROBLEMS.

Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Seismic ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Seiche, tsunami, or volcanic hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

e) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER.

Would the proposal result in:

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation or through substantial loss of ground water recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. AIR QUALITY.

Would the proposal:

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. TRANSPORTATION/CIRCULATION.

Would the proposal result in:

a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. BIOLOGICAL RESOURCES.

Would the proposal result in impacts to:

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

a) Conflict with adopted energy conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS.

Would the proposal involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. NOISE.

Would the proposal result in:

a) Increase in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. PUBLIC SERVICES.

Would the proposed have an effect upon, or result in a need for new or altered government services in any of the following areas:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. UTILITIES AND SERVICE SYSTEMS.

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. AESTHETICS.

Would the proposal:

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. CULTURAL RESOURCES.

Would the proposal:

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have the potential to cause a physical change, which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION.

Would the proposal:

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
XVI. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in earlier EIR or negative declaration. Section 15063(c)(3)(D).

Earlier analyses used.

June 1991. City of Lodi General Plan EIR. This area was identified in the Lodi General Plan and discussed in the Environmental Impact Report SCH# 9020206

a) Mitigation measures. See Attached Summary for discussion.

SUMMARY OF POTENTIAL IMPACTS

Responses to items checked with something other than "No Impact".

I. LAND USE AND PLANNING

As stated in the project description the project is a change in jurisdiction from San Joaquin County to the City of Lodi, and establishing City land use designations. The Community Development Department finds that the proposed actions of the City will not have a physical effect on the environment. We do however; acknowledge that the actions anticipate future development of the property for industrial development. When the City receives application for development of this parcel it would be a new project and would therefore be subject to a separate and more detailed environmental review.

Items (c) and (d). The property in question is currently designated HI, Heavy Industrial, in the City's General Plan. The rezoning to M-2, Heavy Industrial will bring the property into conformance with the General Plan. This designation will also be consistent with the County General Plan, the County zoning designation of AU, Agriculture-Urban Reserve and the County zoning of I-L, Limited Industrial. These designations anticipate industrial development taking place in an orderly, compact

manner when needed public services and facilities are available. The subject property is adjacent to developed properties on three sides and fronts on a paved public street. Utility extensions and further street improvements will be made when the property is developed in the future.

The project will convert nine-acres of agricultural land to a non-agricultural use. One acre has already been developed with the existing farmhouse and related structures. Although this represents a loss of prime agricultural land, the loss of this nine-acres is not considered a significant loss of agricultural land. The property in question is bordered on three sides by non-agricultural development and on the forth side by a railroad track. Because of this location, the property is already isolated from other farming operations. Also, because of the small size of the property, economically farming the parcel would be very difficult. In fact, it appears that the parcel has not been actively farmed for a number of years.

All of the land in and around Lodi is prime agricultural land. Consequently, it is not possible to develop any property in Lodi without removing farmland. Over the years Lodi has implemented a policy of developing incrementally out from our core to avoid leapfrog development that would prematurely impact agriculture. The result has been that Lodi has very clear edges to our City limits. On the eastern edge of Lodi, the Central California Traction Line forms the City limit line and the General Plan boundary for most of the City. Lodi's policy of contiguous development along with a 2% residential growth limit has made Lodi one of the most compact cities in the Central Valley. This has reduced the premature conversion of farmland and helped mitigate the loss of prime agricultural land.

II. POPULATION AND HOUSING

The project will have no impact on population or housing.

III. GEOLOGIC PROBLEMS

The Project area is located in the San Joaquin Valley portion of the Central Valley of California. A sequence of sedimentary rocks up to 60,000 feet thick has filled the valley. Basement rocks composed of meta-sediments, volcanic, and granites underlie these deposits. The Midland Fault Zone is the nearest seismic area, and lies approximately 20 miles west of Lodi. Based upon the inactive status of this fault, the area has not been identified as a Special Studies Zone within the definitions of the Alquist-Priolo Act. Appropriate construction standards will be utilized to conform to Seismic Zone 3 requirements. There are no significant impacts.

IV. WATER

At present, the applicant does not have a specific use for the property. Given the General Plan and Zoning designation for the property, it will probably develop with industrial uses. Depending on the type of industrial development, it is possible that when developed, the 10 acres could result in less water usage then if the property were used for agricultural purposes. When a specific development plan is submitted for the property, a

project specific environmental review will be conducted. The City does not anticipate any problem providing adequate water to the property.

V. AIR QUALITY

Annexation, amending the general plan land use designation, and rezoning of this property will not have an effect on the environment. The San Joaquin Valley Air Pollution Control District (SJVAPCD) was consulted in this regard and they have confirmed that the proposed project will not have an impact on the environment.

The future development of the project site may cause a small decrease in ambient air quality standards and increase air emissions. Chapter 15, Air Quality, of the City of Lodi General Plan Environmental Impact Report states that the City of Lodi will coordinate development project review with the San Joaquin Valley Air Pollution Control District (SJVAPCD) in order to minimize future increases in vehicle travel and to assist in implementing any indirect source regulations adopted by the SJVAPCD.

In order to determine the significance of potential air quality impacts we have utilized the SJVAPCD "Guide for assessing and mitigating air quality impacts." According to this document, we have determined that the project falls within the "Small Project Analysis Level (SPAL)," and does not require further air quality analysis. Although the project does not involve any development at this point, the City of Lodi will implement impact-reducing measures prescribed by the San Joaquin Valley Unified Air Pollution Control District in order to reduce the potential impact from fugitive dust (PM-10) due to earth moving and other construction activities. The "Regulation VIII control measures" are listed as follows:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fills, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

By implementing the measures above, the temporary impacts from construction (primary impacts) on air quality will be reduced to less than significant levels.

In addition, the City is reducing impacts from vehicle emissions (secondary impacts) by implementing programs for alternate transportation. Programs such as the City's Dial-A-Ride system, which is a door-to-door service; or the Grape Line, which is a fixed route transit system; or the City's Bicycle Transportation Master Plan; or even the recent introduction of Amtrak rail service to the City's Multi-Modal station will help to reduce vehicle emissions. The City's programs along with the programs at the Federal, State, and County levels will help to reduce vehicle emissions created by this project to less than significant levels.

VI. TRANSPORTATION/CIRCULATION

Additional vehicle trips will affect transportation patterns relative to existing traffic loads and street capacity in the immediate project area. In order to reduce impacts from additional traffic, "The City shall review new developments for consistency with the General Plan Circulation Element and the Capital Improvements Program. Those developments found to be consistent with the Circulation Element shall be required to pay their fair share of traffic impact fees. Those developments found to be generating more traffic than that assumed in the Circulation Element shall be required to prepare a site-specific traffic study and fund needed improvements not identified in the capital improvements program in addition to paying their fair share of the traffic impact fees." The traffic impact fee will be used to finance future improvements such as traffic signals and street widening projects for older intersections and streets congested by new development.

When the property is developed, the builder will be required to install all necessary street improvements along the Pine Street frontage, including curb, gutter and sidewalk and to make all necessary street dedications.

VII. BIOLOGICAL RESOURCES

Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-

significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (6 S. El Dorado St., Suite 400/Stockton, CA 95202) or online at: www.sjcog.org.

VIII. ENERGY AND MINERAL RESOURCES

Development of the project site will require review by the Building Division of the Community Development Department, who will ensure that the construction adheres to provisions of 2001 Title 24, Part 6 California's Energy Efficiency Standards for Residential and Nonresidential Buildings. The Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. New standards were adopted by the Commission in 2001 as mandated by Assembly Bill 970 to reduce California's electricity demand. The new standards went into effect on June 1, 2001. Construction under these standards should eliminate wasteful and inefficient use of nonrenewable resources.

In addition, development of the site is not expected to result in the loss of availability of any known mineral resource that would be of future value to the region and the residents of the State. There are no known mineral deposits within the area. The soil in the area is a sandy loam type with hardpan approximately 6 to 8 feet beneath the surface. There is no indication that valuable minerals are located within the general area. No impacts associated within the loss of minerals are expected because of the project.

IX. HAZARDS

There are no known natural or man-made hazards existing on the site. All future development will comply with all local, State and Federal safety regulations for both construction and operation of any business. The structures will be built to standards of the Uniform Building Code and the Uniform Fire Code.

X. NOISE

Given the industrial nature of the area, the future development of the property should not significantly affect adjacent properties. There are no sensitive receptors in the neighborhood and there are a variety of existing industrial uses surrounding the property. Additionally, the property is bordered on two sides by railroad tracks. Any future business will be required to comply with the City's Noise regulations.

XI. PUBLIC SERVICES

The change from County jurisdiction to City jurisdiction will mean that the City will provide all necessary public services, including police and fire service and the maintenance of public facilities and streets. Adequate police and fire service is available to the property. When the property is developed, the developer will be required to construct all required street improvements. The City will then provide ongoing maintenance. The Citywide Development Impact Mitigation Fee schedule was adopted to insure that new development generates sufficient revenue to maintain specified levels of service in Lodi. In addition, the Lodi Unified School District has adopted a fee per

square foot that is intended to mitigate the cost of providing school services to new development.

Page 9-5 of the General Plan Policy Document states that the City shall add personnel, equipment, or facilities necessary to maintain a minimum three (3) minute travel time for fire calls. Page 9-6 of the Policy Document goes on to state that the City shall also strive to maintain a staff ratio of 3.1 police officers per 1,000 population with response times averaging three (3) minutes for emergency calls and 40 minutes for non emergency calls. Impact fees are calculated on new development based on use and density to generate enough revenue to preserve adequate service levels, thereby mitigating potential adverse impacts on governmental services to less than significant levels.

XII. UTILITIES AND SERVICE SYSTEMS.

The General Plan EIR points out on page 10-2 that at the time the General Plan was prepared in 1989, there was a design treatment capacity of 6.2 MGD. A planned (and later completed) expansion increased capacity to 8.5 MGD in 1991. Assuming that residential growth was to continue at the planned two (2) percent annual rate, and that flows would increase at a proportionate rate, the City's White Slough Water Pollution Control Facility (WSWPCF) has adequate capacity for the life of the 20 year plan. In fact, residential growth has not reached the two (2) percent mark since the plan was adopted. Over the last five- (5) years, growth has averaged 1.63%. This being the case, there is estimated to be excess carrying capacity at the WSWPCF, enough to mitigate any impacts of the new development to less than significant levels.

The General Plan EIR, page 10-3 outlines the City's storm water collection, distribution, and disposal system. In Lodi, storm water is discharged to the Mokelumne River and the Woodbridge Irrigation District (WID) Canal. The project area's storm drainage will flow to the C-Basin drainage basin. The C-Basin was engineered with a capacity to handle storm water runoff from a 48-hour, 100-year storm. Storm runoff from the development of the project site will not impact the City's existing drainage basins.

Page 10-1 of the General Plan EIR explains that the water supply for the entire City is provided by a groundwater aquifer, tapped into by a system of interconnected City wells. According to Lodi standards, one water well shall be maintained per each 2,000 population. New wells are drilled as necessary to provide an adequate supply commensurate with growth. At the time the General Plan was drafted in 1987, water demand stood at 13.7 MGD. In 1991, it had grown to 14.1 MGD. According to estimates prepared in 1991, development provided for by the General Plan would create demand for approximately 7.8 MGD of water, or 67 percent more than the current amount.

As stated previously in this initial study, due to the affect of the City's Growth Management Program, growth has not reached the levels anticipated in 1991, reducing the anticipated per capita consumption of water. In addition, increased water conservation efforts by the City beginning in 1995 have also reduced the per capita consumption of water to less than expected levels. With 26 water wells currently in operation there is estimated to be a sufficient supply of water.

Considering the aforementioned mitigating factors, any impacts on the water supply created because of the Galantine Annexation/reorganization are reduced to less than significant levels.

XIII. AESTHETICS.

Development of the project area would not affect a scenic vista or scenic highway because there are no known or recognized scenic views or highways in or immediately around the project area.

XIV. CULTURAL RESOURCES.

Annexation and the establishment of land use regulations will not create a physical change of the project site. As stated many times in this document, by establishing land use regulations for the property there will be a potential for development at which time will be separately required to be reviewed under CEQA. The Community Development Department will review any proposed future development for its impact on cultural and archaeological values or resources. The property has been farmed for many years. It is unlikely that any paleontological or archaeological artifacts survived the continuous cultivation of the property. If during future construction, artifacts are revealed, work will be stopped and a field study conducted.

XV. RECREATION.

The future development of the project site will not increase the population of Lodi, and will not create an increase in the demand for recreational opportunities. The City's Parks Master plan adopted in January of 1994 has taken into account the recreational needs of Lodi, and has included the project area and its demand in its projections. The Parks Master Plan is a 15-year plan that identifies improvements to existing parks and new park areas throughout Lodi including a neighborhood park less than ¼ mile to the northwest of the project site. Continued progress with the implementation of this plan is anticipated to provide parks and recreational opportunities at no less than a satisfactory level. There are no existing recreational opportunities on this property.

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets' if the effect is a "potentially significant impact" or "potentially significant unless mitigated."
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project

Signature: _____

Date: _____

Printed Name: David Morimoto

For: City of Lodi

RESOLUTION NO. P.C. 04-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING APPROVAL OF THE REQUEST OF RICHARD GALANTINE FOR
PREZONING Z-03-02 TO THE LODI CITY COUNCIL.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Prezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments;

WHEREAS, the property is located at 5952 East Pine Street (APN 049-090-13);

WHEREAS, the project proponent is Richard Galantine, 901 S. Cherokee Lane, Lodi, CA. 95240;

WHEREAS, the property has a zoning designation of A-U, Agriculture-Urban Reserve (San Joaquin County);

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. Negative Declaration File No. ND-03-13 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
2. It is found that the parcel to be prezoned is the parcel located at 5952 East Pine Street (APN 049-090-13).
3. It is found that the requested prezoning of M-2, Heavy Industrial is not in conflict with adopted plans or policies of the General Plan of the City and will serve sound Planning practice.
4. It is further found that the parcel of the proposed rezoning is physically suitable for the development of an industrial development.

Dated: January 28, 2004

I hereby certify that Resolution No. 04-10 was passed and adopted by the Planning Commission of the City of Lodi at a meeting held on January 28, 2004, by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White,
and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST:



Secretary, Planning Commission

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND
THEREBY PREZONING THE PARCEL LOCATED AT 5952
EAST PINE STREET (APN 049-090-13) FROM SAN JOAQUIN
COUNTY A-U, AGRICULTURAL URBAN RESERVE TO M-2,
HEAVY INDUSTRIAL

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The parcel located at 5952 East Pine Street (APN 049-090-13) is hereby prezoned as follows:

10-acre parcel - San Joaquin County A-U, Agricultural Urban Reserve to M-2, Heavy Industrial, as shown on the Vicinity Map, on file in the office of the City Clerk.

Section 2. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held March 17, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE
NEGATIVE DECLARATION ND-03-13 AS ADEQUATE
ENVIRONMENTAL DOCUMENTATION FOR THE PREZONE AND
INITIATION OF ANNEXATION OF PROPERTY LOCATED AT 5952 E.
PINE STREET, LODI

=====

WHEREAS, public hearings were held by the Planning Commission and City Council on January 28, 2004 and March 17, 2004 respectively, on the following described project:

Prezoning and Initiation of Annexation of 10-acres located at 5952 E. Pine Street (APN 049-090-13). Prezoning from San Joaquin County AU, Agricultural Urban Reserve to M-2, Heavy Industrial.

WHEREAS, a Negative Declaration (ND-03-13) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 04-10; and

WHEREAS, it is the Planning Commission recommendation that City Council approve their finding that the Negative Declaration is adequate environmental documentation.

NOW, THEREFORE, BE IT RESOLVED that the City Council has reviewed all documentation and hereby certifies the Negative Declaration as adequate environmental documentation for this project located at 5952 E. Pine Street.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL FOR APPLICATION TO
THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION
COMMISSION IN THE MATTER OF THE GALANTINE
ANNEXATION/REORGANIZATION, INCLUDING THE DETACHMENT OF
CERTAIN TERRITORY WITHIN THE AREA PROPOSED FOR
ANNEXATION TO THE CITY OF LODI

=====

WHEREAS, this proposal is made pursuant to the Local Government Reorganization Act; and

WHEREAS, the nature of the proposed change of organization is the annexation to the City of Lodi of an area comprising of 10-acre parcel more or less adjacent to the City limits located at 5952 East Pine Street; and withdrawal of said 10-acres from the Mokelumne Fire District and the Northern San Joaquin County Water Conservation District, located within the area to be annexed to the City of Lodi, (APN's 049-090-13), as described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the subject area proposed to be annexed to the City of Lodi and detached from the Mokelumne Fire District and the Northern San Joaquin County Water Conservation District is uninhabited; and

WHEREAS, no new districts are proposed to be formed by this reorganization; and

WHEREAS, the reasons for this proposal are as follows:

(1) The uninhabited subject area is within the urban confines of the City and will generate service needs substantially similar to that of other incorporated urban areas which require municipal government service;

(2) Annexation to the City of Lodi of the subject area will result in improved economics of scale in government operations while improving coordination in the delivery of planning services;

(3) The residents and taxpayers of the County of San Joaquin will benefit from the proposed reorganization as a result of savings to the County by reduction of County required services in unincorporated but urban oriented area;

(4) The subject area proposed to be annexed to the City of Lodi is geographically, socially, economically and politically part of the same urban area of which the City of Lodi is also a part;

(5) The subject area is within the Lodi Sphere of Influence; and

(6) Future inhabitants in the subject area will gain immediate response in regard to police and fire protection, unlimited City garbage and trash collection service, street lighting service, a modern sewer system, other municipal services, and improvement of property values.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the San Joaquin County Local Agency Formation Commission is hereby requested to approve the proposed 'Galantine Annexation" which includes annexation of 10-acres more or less, and detachment from the Mokelumne Fire District and the Northern San Joaquin County Water Conservation District as described in Exhibit A attached hereto. This is all subject to the aforementioned terms and conditions.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-____

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on Wednesday, March 17, 2004 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) to consider the Planning Commission's recommendation of approval to the City Council for Rezoning for 5952 East Pine Street; the Rezoning is from San Joaquin County A-U, Agricultural Urban Reserve to M-2, Heavy Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for the project and initiate annexation of the property into the City.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council
s: SUSAN J. BLACKSTON
City Clerk

Dated: March 4, 2004

Approved as to form:
s: D. STEPHEN SCHWABAUER
Interim City Attorney
March 6, 2004

— 5484



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 17, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

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Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: March 4, 2004

Approved as to form:

D. Stephen Schwabauer
Interim City Attorney



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S
RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR
PREZONING FOR 5952 EAST PINE STREET; THE PREZONING IS FROM
SAN JOAQUIN COUNTY A-U, AGRICULTURAL URBAN RESERVE TO M-2,
HEAVY INDUSTRIAL; THE REQUEST ALSO INCLUDES A
RECOMMENDATION THAT THE CITY COUNCIL CERTIFY NEGATIVE
DECLARATION ND-03-13 AS ADEQUATE ENVIRONMENTAL
DOCUMENTATION FOR THE PROJECT AND INITIATE ANNEXATION OF
THE PROPERTY INTO THE CITY**

On Thursday, March 4, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for a Prezoning for 5952 East Pine Street; the Prezoning is from San Joaquin County A-U, Agricultural Urban Reserve to M-2, Heavy Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for the project and initiate annexation of the property into the City (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk

A handwritten signature in cursive script, reading "Patricia Ochoa".

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk

EXHIBIT B

APN;OWNER;ADDRESS;CITY;STATE;ZIP
04909013;GALANTINE, RICHARD ;901 S CHEROKEE LN ;LODI ;CA;95240
04912029;ALL STATE PACKERS INC ;PO BOX 350 ;LODI ;CA;95241
04912039;CENTRAL CALIF TRACTION CO ;920 SE QUINCY ;TOPEKA ;KS;66612
04909012;UNIVERSAL MEMOR CENTERS VI INC;5750 E PINE ST ;LODI ;CA;95240
04925004;MEYERS, DONALD E ;5990 E SARGENT RD ;LODI ;CA;95240



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR PREZONING FOR 5952 EAST PINE STREET; THE PREZONING IS FROM SAN JOAQUIN COUNTY A-U, AGRICULTURAL URBAN RESERVE TO M-2, HEAVY INDUSTRIAL; THE REQUEST ALSO INCLUDES A RECOMMENDATION THAT THE CITY COUNCIL CERTIFY NEGATIVE DECLARATION ND-03-13 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT AND INITIATE ANNEXATION OF THE PROPERTY INTO THE CITY

LEGAL AD

PUBLISH DATE: Saturday, March 6, 2004


TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MARCH 4, 2004

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE FAX OVER PROOF OF BORDERED AD. THANK YOU!!

LNS	Faxed to the Sentinel at 369-1084 at <u>3:00</u> (time) on <u>3/4/04</u> (date) <u>2</u> (pages)
	Phoned to confirm receipt of all pages at <u>3:15</u> (time) <u>Jac</u> <u>Tricia</u> <u>Jen</u> (initials)

Dora



DECLARATION OF MAILING

**PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S
RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR A
PREZONING FOR 5952 EAST PINE STREET; THE PREZONING IS FROM SAN
JOAQUIN COUNTY A-U, AGRICULTURAL URBAN RESERVE TO M-2, HEAVY
INDUSTRIAL; THE REQUEST ALSO INCLUDES A RECOMMENDATION THAT
THE CITY COUNCIL CERTIFY NEGATIVE DECLARATION ND-03-13 AS
ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT AND
INITIATE ANNEXATION OF THE PROPERTY INTO THE CITY**

On March 4, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for Prezoning for 5952 East Pine Street; the Prezoning is from San Joaquin County A-U, Agricultural Urban Reserve to M-2, Heavy Industrial; the request also includes a recommendation that the City Council certify Negative Declaration ND-03-13 as adequate environmental documentation for the project and initiate annexation of the property into the City, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Continue Public Hearing to April 7, 2004, to Consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council continue the public hearing to consider the redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin (Pixley Park) to April 7, 2004.

BACKGROUND INFORMATION: Mr. Dave Gillespie has requested that the public hearing be continued to a later date, and City staff concurs with this request.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer

RCP/FWS/pmf

cc: Interim City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager

G•REM, INC.
DEVELOPMENT, CONSTRUCTION, MANAGEMENT

RECEIVED

2004 MAR -9 AM 8:41

CITY CLERK
CITY OF LODI

March 8, 2004

SENT via FAX only

Ms. Susan J. Blackston
City Clerk
City of Lodi
FAX 209 333 6807

RE: Request for Continuance-Exchange of Properties/Pixley Park

Dear Ms. Blackston:

This letter shall serve as our request to continue the Public Hearing for the above-described item currently scheduled to be heard at the March 17, 2004 City Council meeting. I am unable to attend this meeting due to a prior commitment. I would like to request that this matter be continued to the next available City Council meeting.

Please contact me at either 333 4565 or 712 4990 if you have any questions.

Sincerely,



Dale N. Gillespie

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 17, 2004 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

A) to consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin and Refer the Matter to the Planning Commission

Information regarding this item may be obtained in the office of the Public Works Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:
SUSAN J. BLACKSTON
City Clerk

Dated: February 19, 2004

s: D. STEPHEN SCHWABAUER
Interim City Attorney
February 21, 2004

--- 6419



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 17, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 17, 2004** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin and Refer the Matter to the Planning Commission

Information regarding this item may be obtained in the office of the Public Works Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: February 19, 2004

Approved as to form:

D. Stephen Schwabauer
Interim City Attorney



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER REDESIGN CONCEPT FOR C-BASIN (PIXLEY PARK) AND THE EXCHANGE OF PROPERTIES WITH GREM, INC., TO ALLOW THE RELOCATION OF C-BASIN AND REFER THE MATTER TO THE PLANNING COMMISSION

On February 19, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin and Refer the Matter to the Planning Commission, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2004, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

FRITZ DANIEL G & AMY S TR
1234 RIVERGATE DR
LODI CA 95240

FRITZ F DEAN & BEVERLY J TR
20049 GREENVIEW DR
WOODBIDGE CA 95258
|||

GANNON BRYANT & EVELYN
19839 GREENVIEW DR
WOODBIDGE CA 95258
|||

GEWEKE LAND DEV LP
PO BOX 1210
LODI CA 95241

GFLIP III LIMITED PARTNERSHIP
PO BOX 1210
LODI CA 95241
|||

HEWATT JAMES & ARLENE
1023 E VINE ST
LODI CA 95240

VOLKERT JOHN L & LUDWINA M
1211 E VINE ST
LODI CA 95240

EXHIBIT B



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REDESIGN CONCEPT FOR C-BASIN (PIXLEY PARK) AND THE EXCHANGE OF PROPERTIES WITH GREM, INC., TO ALLOW THE RELOCATION OF C-BASIN AND REFER THE MATTER TO THE PLANNING COMMISSION

On Thursday, February 19, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin and Refer the Matter to the Planning Commission (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk

A handwritten signature in cursive script, appearing to read "Patricia Ochoa", is written over a horizontal line.

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER REDESIGN CONCEPT FOR C-BASIN
(PIXLEY PARK) AND THE EXCHANGE OF PROPERTIES WITH GREM, INC., TO
ALLOW THE RELOCATION OF C-BASIN AND REFER THE MATTER TO THE
PLANNING COMMISSION

LEGAL AD

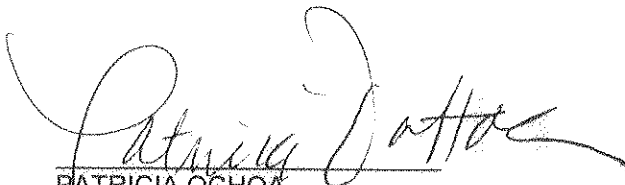
PUBLISH DATE: Saturday, February 21, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, FEBRUARY 19, 2004

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE FAX OVER PROOF OF BORDERED AD. THANK YOU!!

LNS	Faxed to the Sentinel at 369-1084 at <u>3:30</u> (time) on <u>2/19/04</u> (date) <u>2</u> (pages)
	Phoned to confirm receipt of all pages at <u>4:30</u> (time) <u>Jac</u> <u>Tricia</u> <u>Jen</u> (initials)



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Conduct Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments

MEETING DATE: March 17, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Approve the Planning Commission's recommendation to adopt Design Standards for Large Retail Establishments.

BACKGROUND INFORMATION: For the past year and a half, the Planning Commission has discussed the design issues surrounding large scale retail development. First, with the Lowe's project, now with the pending Wal Mart Supercenter. The discussion turned to direction for staff in December 2003 as the Commission was considering the proposed Design Guidelines contained in the Draft Development Code. The discussion centered on the design differences found in projects of varying size. As a result of staff's prior research, the set of standards that were enacted by the City of Fort Collins Colorado were used as a basis for the regulations ultimately approved by the Commission.

This set of standards applies to any project that has a building that exceeds 25,000 square feet. As such, it is clearly aimed at more than just what most consider "Big Box". As an example, these requirements would apply to any of the typical shopping centers in Lodi including Lakewood Mall, Vineyard, Sunwest and Westgate. The standards provide direction for both site plan and architecture whenever the applicability standards are met including expansions of existing projects.


As noted in the attached minutes from the Planning Commission's two public hearings, a central issue during the testimony period was to add a maximum size limitation. Subsequent to the end of the first public hearing on January 28, 2004, the Commission directed staff to bring back suggested language for two alternatives. One would be a straight maximum allowed for square footage and the other would require the approval of a Use Permit when the building's square footage exceeded some number. During the second public hearing held on February 11, 2004, the Commission spent a great deal of time debating these alternatives as well as not having a maximum at all. After several failed motions, the Commission finally decided to move forward with this set of standards and continue to discuss the maximum size issue at a future meeting. That discussion has been scheduled for March 24th. I should note that there has been some confusion on the part of the public regarding their ability to discuss a maximumize during the public hearings. Chairman Mattheis did not quash discussion of size, but did restrict discussion surrounding Wal Mart specifically. Those people who wanted to speak about Wal Mart were instructed to hold their comments for the "Public Comment" item on the agenda.

APPROVED:


Dixon Flynn, City Manager

Staff and the Planning Commission feel that the standards before the City Council will result in more aesthetic development in Lodi and should be adopted as recommended.

FUNDING: None

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Konradt Bartlam
Community Development Director

KB/lw

Attachments

DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

City of Lodi

Community Development Department

Draft

February 11, 2004

Chapter 17.58

Sections:

- 17.58.010 – Purpose**
- 17.58.020 – Applicability**
- 17.58.022 - Variances**
- 17.58.030 – Facades and Exterior Walls**
- 17.58.040 – Smaller Retail Stores**
- 17.58.050 – Detail Features**
- 17.58.060 – Roofs**
- 17.58.070 – Materials and Colors**
- 17.58.080 – Entryways**
- 17.58.090 – Back and Side Facades**
- 17.58.100 – Entrances**
- 17.58.110 – Off-Street Parking Areas**
- 17.58.120 – Back Sides**
- 17.58.130 – Outdoor Storage, Trash Collection, and Loading Areas**
- 17.58.140 – Pedestrian and Bicycle Flows**
- 17.58.150 – Central Features and Community Spaces**
- 17.58.160 – Delivery/Loading Operations**

Design Standards for Large Retail Establishments

17.58.010 - Purpose

The City of Lodi adopted this ordinance on large retail developments - "superstores" - to provide the community with clear and enforceable policies to mitigate visual impacts. These guidelines provide the opportunity to set standards for future developments to ensure that future development fits with the expectations and meets the needs of the community.

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Lodi as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even with strong image making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way.

Lodi already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is

to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the Zoning Ordinance, which provides for variance from the requirements if the proposal is equal to or better than the City's requirements.

17.58.020 - Applicability

The following standards and guidelines are intended to be used as a design aid by developers proposing large retail developments in community regional shopping centers or as uses-by-right; and as an evaluation tool by the City staff, Planning Commission, and Site Plan and Architectural Review Committee in their review processes. These standards and guidelines apply to all retail establishments of more than 25,000 square feet.

The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

17.58.022- Variances

The Planning Commission is empowered to grant variances to the mandatory standards under the circumstances provided by the California Government Code.

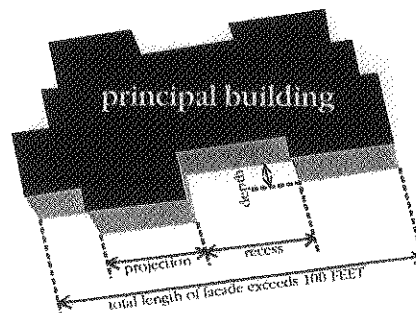
17.58.030 - Facades and Exterior Walls

17.58.031 - Intent:

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. This is to encourage a more human scale that Lodi residents will be able to identify with their community.

17.58.032 Standards:

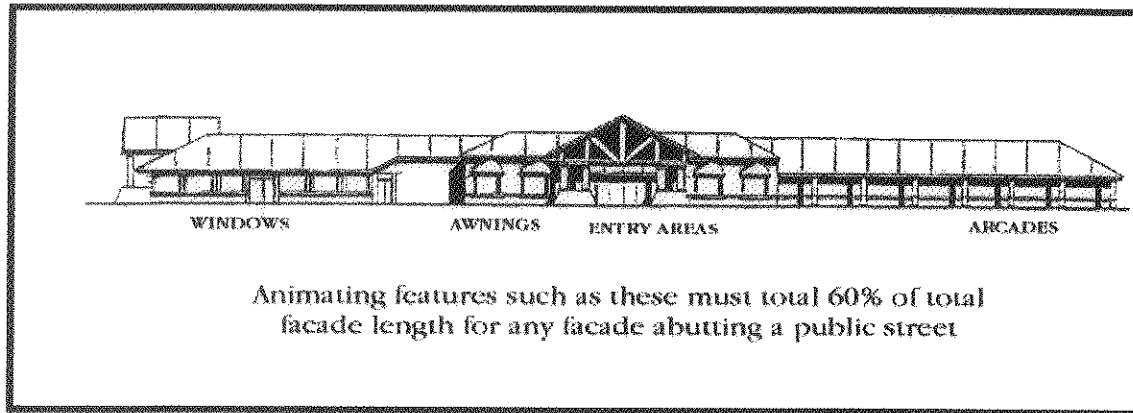
- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

3% of the length of the façade and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.

- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



17.58.040 - Smaller Retail Stores

17.58.041 - Intent:

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

17.58.042 - Standard:

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

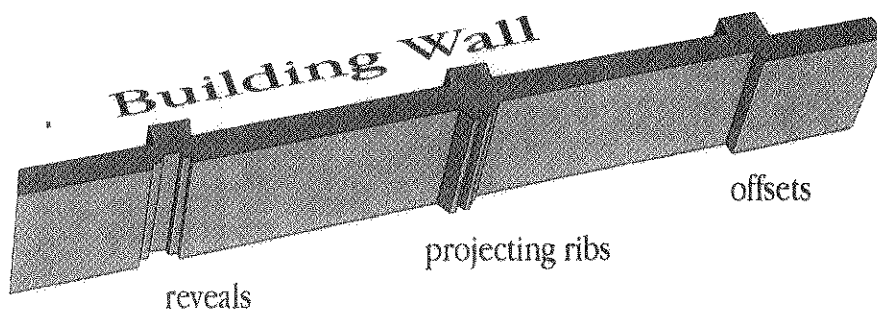
17.58.050 - Detail Features

17.58.051 - Intent:

Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

17.58.052 - Standard

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:
1. Color change.
 2. Texture change.
 3. Material module change.
 4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



structural bay layout

- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

17.58.060 - Roofs

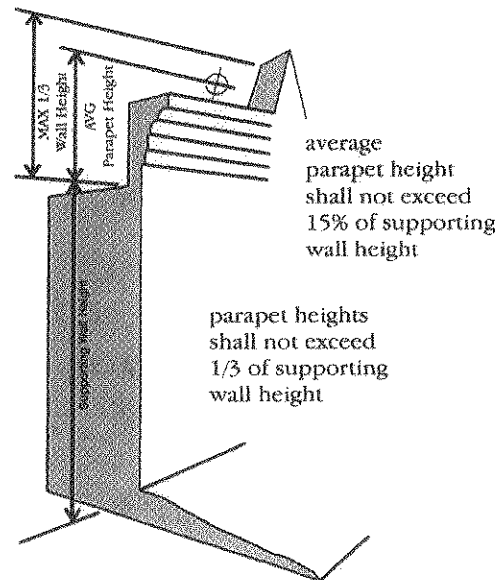
17.58.061 – Intent:

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

17.58.062 – Standard:

Roofs shall have no less than two of the following features:

- A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
- B. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- D. Three or more roof slope planes.



17.58.070 - Materials and Colors

17.58.071 – Intent:

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

17.58.072 – Standard:

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
 - 1. clay brick
 - 2. wood
 - 3. rock or other native stone
 - 4. stucco, of varied finishes.
 - 5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
 - 1. smooth-faced concrete block
 - 2. smooth finished tilt-up concrete panels
 - 3. pre-fabricated steel panels, except as an architectural roofing material

17.58.080 – Building Entryways

17.58.081 – Intent:

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

17.58.082 – Standard:

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
1. canopies or porticos
 2. overhangs
 3. recesses/projections
 4. arcades
 5. raised corniced parapets over the door
 6. peaked roof forms (e.g. gable or hip)
 7. arches
 8. outdoor patios
 9. display windows
 10. architectural details such as tile work and moldings which are integrated into the building structure and design
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

17.58.090 - Back and Side Facades

17.58.091 – Intent:

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

17.58.091 – Standards:

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

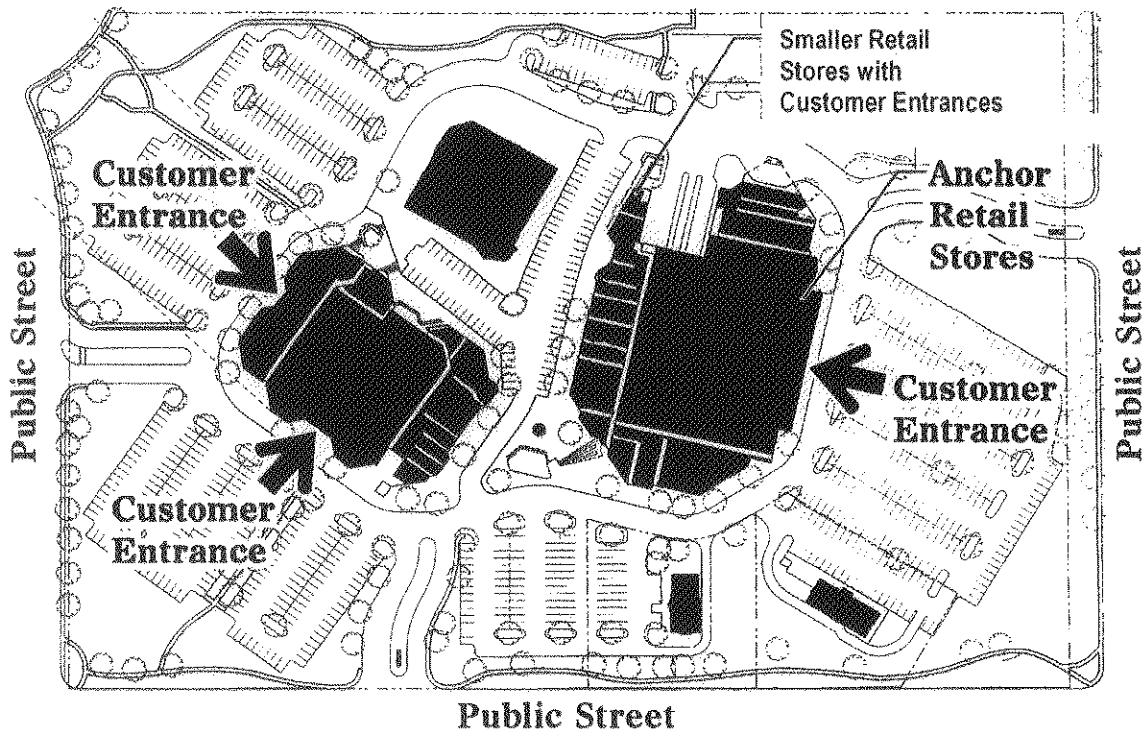
17.58.100 – Pedestrian Entrances

17.58.101 – Intent:

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

17.58.102 – Standard:

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



17.58.110 – Off-Street Parking Areas

17.58.111 – Intent:

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

17.58.112 – Standard:

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front façade.
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
 - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ($\frac{1}{2}$) of the parking space, and
 - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000 square feet of building space. The maximum number of off-street parking spaces shall not exceed the following:
 - Retail: Five (5) spaces for every 1,000 square feet of building space
 - Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space

- Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

- D. Parking lot light poles shall not exceed a height of 25 feet.
- E. Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting.

17.58.120 - Back Sides

17.58.121 - Intent:

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

17.58.122 - Standard:

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. Where the façade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a cover such that storm water run-off from the enclosure is minimized.

17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas

17.58.131 - Intent:

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one

building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

17.58.132 – Standard:

- A. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
- B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- D. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with landscaping, walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

17.58.140 - Pedestrian and bicycle Flows

17.58.141 – Intent:

Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal circulation systems that can provide user-friendly access as well as pedestrian safety, shelter, and convenience within the center grounds.

17.58.142 – Standard:

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining

landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the facade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

17.58.150 - Central Features and Community Spaces

17.58.151 – Intent:

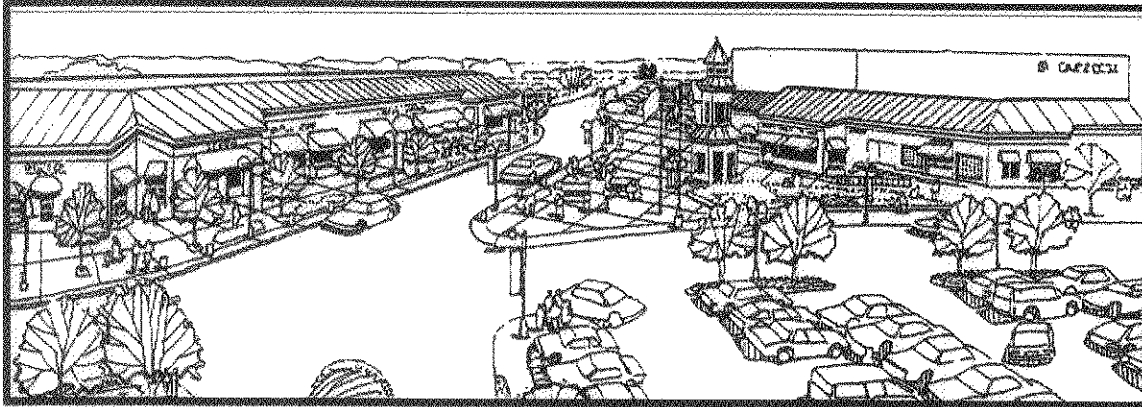
Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

17.58.152 – Standard:

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:
patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the

Planning Commission, adequately enhances such community and public spaces.

- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

17.58.160 - Delivery/Loading Operations

17.58.161 - Intent:

Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

17.58.162 - Standard:

- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.
- B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: February 11, 2004
Subject: Design Standards for Large Scale Retail Establishments

Pursuant to Planning Commission direction at your last meeting, this item is being brought to you once again as a public hearing. Staff has amended the exhibit of the Resolution consistent with the discussion that took place. Please note that additions are shown underlined and deletions shown as strike out. Hopefully this will facilitate review of the desired modifications.

The one provision that I wanted to point specifically pertains to a maximum square footage standard. You will find this as a new Section 17.58.021. We have provided the two alternatives requested with the actual number left blank. Staff is not recommending either option be included in this set of standards for the various reasons already stated.

Respectively Submitted,

A handwritten signature in dark ink, appearing to read "Konradt Bartlam", is written over a horizontal line.

Konradt Bartlam
Community Development Director

Attachment: Draft Resolution

RESOLUTION NO. P.C. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING CITY COUNCIL ADOPTION OF A ZONING ORDINANCE
AMENDMENT ADDING CHAPTER 17.58 CONCERNING DESIGN
STANDARDS FOR LARGE SCALE RETAIL ESTABLISHMENTS.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested amendment and addition to the Municipal Code regarding Design Standards for Large Scale Retail Establishments; and

WHEREAS, the proposed amendment and additions to the Zoning Ordinance will affect all properties as described within the City of Lodi; and

WHEREAS, all legal prerequisites to the approval of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The Planning Commission finds that the amendment to the Zoning Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of design standards has no possibility to have any significant effect on the environment and therefore is exempt.
2. The Planning Commission finds that approval of the zoning amendments and additions will result in good planning practice and be to the benefit of the population by providing specific standards by which large scale retail establishments must adhere in design of developments.
3. That the Planning Commission recommends that the City Council approve the attached text amendment and additions found in Exhibit A.

Date: February 11, 2004

I hereby certify that Resolution No. _____ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

EXHIBIT "A"

Chapter 17.58

Sections:

- 17.58.010 - Purpose**
- 17.58.020 - Applicability**
- 17.58.030 - Facades and Exterior Walls**
- 17.58.040 - Smaller Retail Stores**
- 17.58.050 - Detail Features**
- 17.58.060 - Roofs**
- 17.58.070 - Materials and Colors**
- 17.58.080 - Entryways**
- 17.58.090 - Back and Side Facades**
- 17.58.100 - Entrances**
- 17.58.110 - Off-Street Parking Areas**
- 17.58.120 - Back Sides**
- 17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas**
- 17.58.140 - Pedestrian Flows**
- 17.58.150 - Central Features and Community Spaces**
- 17.58.160 - Delivery/Loading Operations**

Design Standards for Large Retail Establishments

17.58.010 - Purpose

The City of Lodi adopted this ordinance on large retail developments - "superstores" - to provide the community with clear and enforceable policies to mitigate visual impacts. These guidelines provide the opportunity to set standards for future developments to ensure that future development fits with the expectations and meets the needs of the community.

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Lodi as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even with strong image making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way.

Lodi already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is

to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the Zoning Ordinance, which provides for variance from the requirements if the proposal is equal to or better than the City's requirements.

17.58.020 - Applicability

The following standards and guidelines are intended to be used as a design aid by developers proposing large retail developments in community regional shopping centers or as uses-by-right; and as an evaluation tool by the City staff, Planning Commission, and Site Plan and Architectural Review Committee in their review processes. These standards and guidelines apply to all retail establishments of more than ~~45,000~~ 25,000 square feet.

The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

17.58.021 - Maximum Size Limitation

The maximum size allowed for a retail building in the City of Lodi shall be _____ square feet. (Alternative: Any retail building exceeding _____ square feet shall be required to submit a Use Permit application for Planning Commission review and approval.)

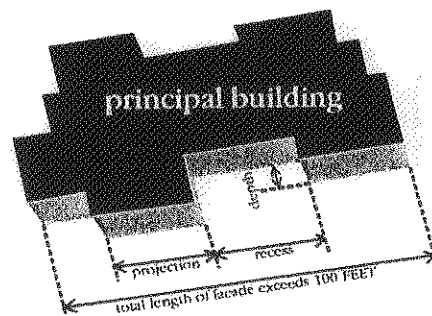
17.58.021-022- Variances

The Planning Commission is empowered to grant variances to the mandatory standards under the circumstances provided by the California Government Code.

17.58.030 - Facades and Exterior Walls

17.58.031 - Intent:

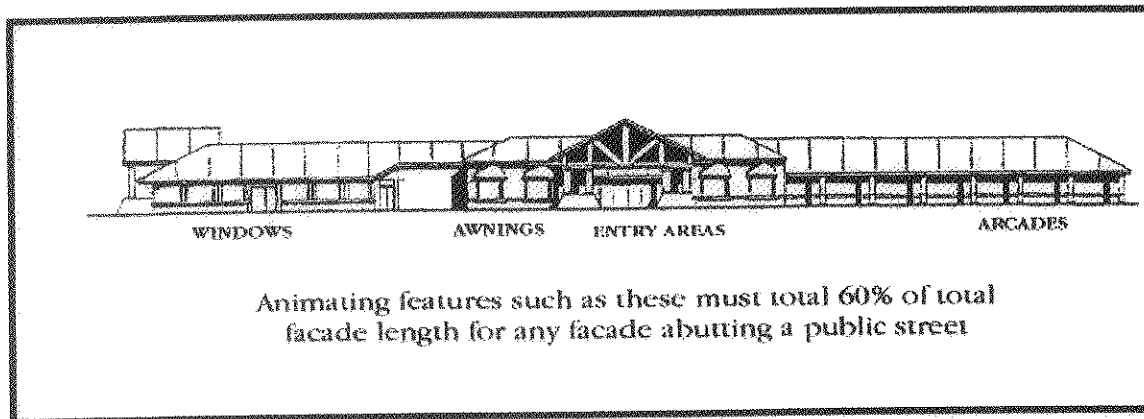
Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. This is to encourage a more human scale that Lodi residents will be able to identify with their community.



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

17.58.032 Standards:

- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



17.58.040 - Smaller Retail Stores

17.58.041 - Intent:

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

17.58.042 - Standard:

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

17.58.050 - Detail Features

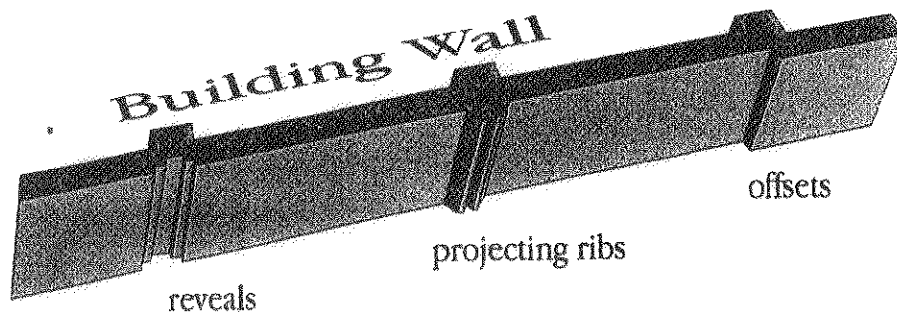
17.58.051 - Intent:

Buildings should have architectural features and patterns that provide visual interest; at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

17.58.052 - Standard

A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:

1. Color change.
2. Texture change.
3. Material module change.
4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



structural bay layout

- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

17.58.060 - Roofs

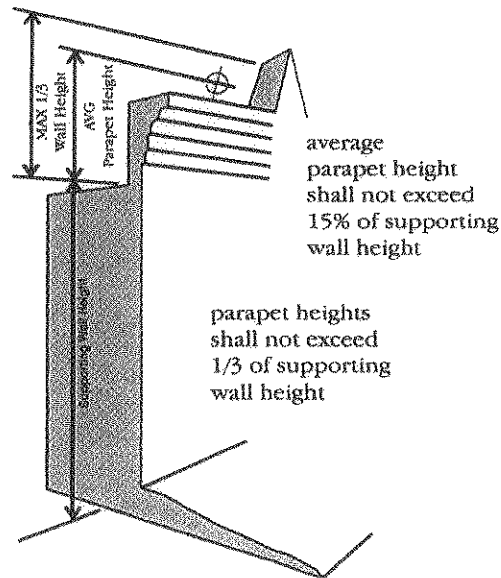
17.58.061 - Intent:

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

17.58.062 - Standard:

Roofs shall have no less than two of the following features:

- A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
- B. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- D. Three or more roof slope planes.



17.58.070 - Materials and Colors

17.58.071 - Intent:

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

17.58.072 - Standard:

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
1. clay brick
 2. wood
 3. river rock or other native stone
 4. stucco, of varied finishes.
 5. ~~other native stone~~
 - 6-5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
1. smooth-faced concrete block
 2. smooth finished tilt-up concrete panels
 3. pre-fabricated steel panels, except as an architectural roofing material

17.58.080 – Building Entryways

17.58.081 – Intent:

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

17.58.082 – Standard:

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
1. canopies or porticos
 2. overhangs
 3. recesses/projections
 4. arcades
 5. raised corniced parapets over the door
 6. peaked roof forms (e.g. gable or hip)
 7. arches
 8. outdoor patios
 9. display windows
 10. architectural details such as tile work and moldings which are integrated into the building structure and design
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

17.58.090 - Back and Side Facades

17.58.091 – Intent:

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

17.58.091 – Standards:

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

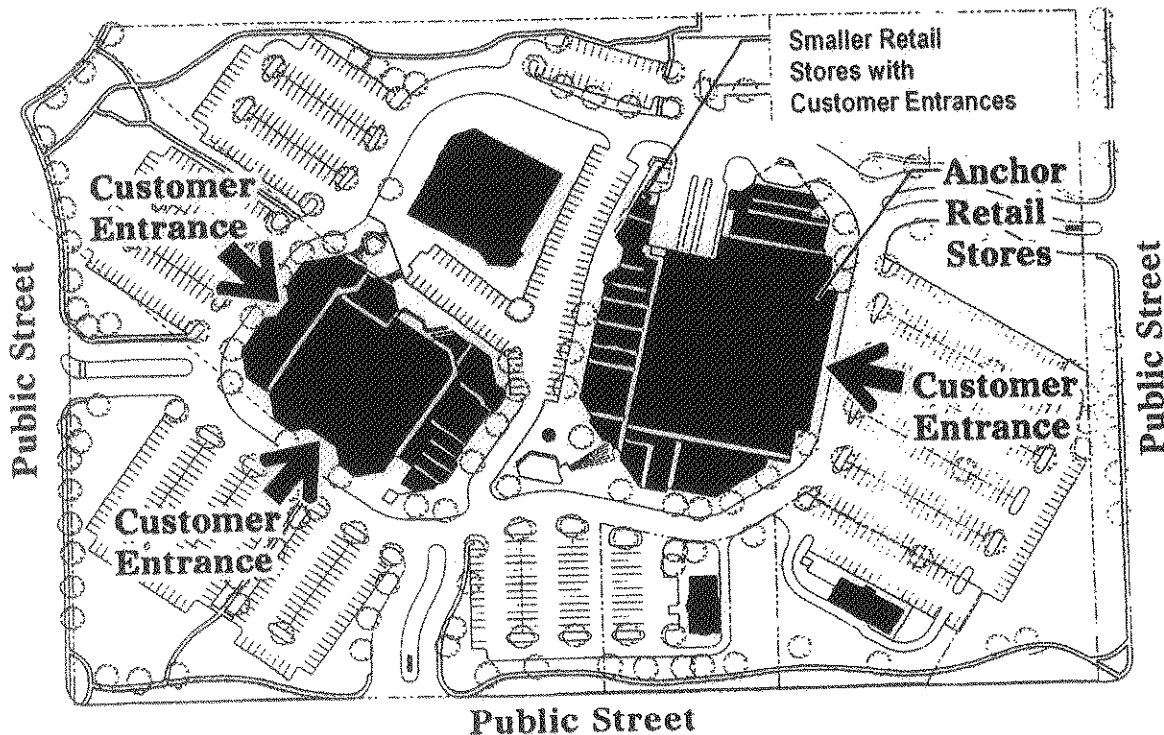
17.58.100 – Pedestrian Entrances

17.58.101 – Intent:

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

17.58.102 – Standard:

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



17.58.110 – Off-Street Parking Areas

17.58.111 – Intent:

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

17.58.112 – Standard:

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). ~~The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create an angle of 180 degrees. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90 degrees. The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front facade.~~
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
 - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ($\frac{1}{2}$) of the parking space, and
 - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000

square feet of building space. ~~The maximum number of off-street parking spaces to be provided by a large scale retail operation shall not exceed 4 spaces for every 1,000 square feet of building space.~~ The maximum number of off-street parking spaces shall not exceed the following:

- Retail: Four (4) spaces for every 1,000 square feet of building space
- Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space
- Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

D. Parking lot light poles shall not exceed a height of 25 feet.

17.58.120 - Back Sides

17.58.121 - Intent:

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

17.58.122 - Standard:

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. ~~Where the facade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in clusters or clumps shall be provided.~~ Where the facade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a

cover such that storm water run-off from the enclosure is minimized.

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- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
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systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

17.58.142 – Standard:

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. ~~Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.~~ A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the facade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

17.58.150 - Central Features and Community Spaces

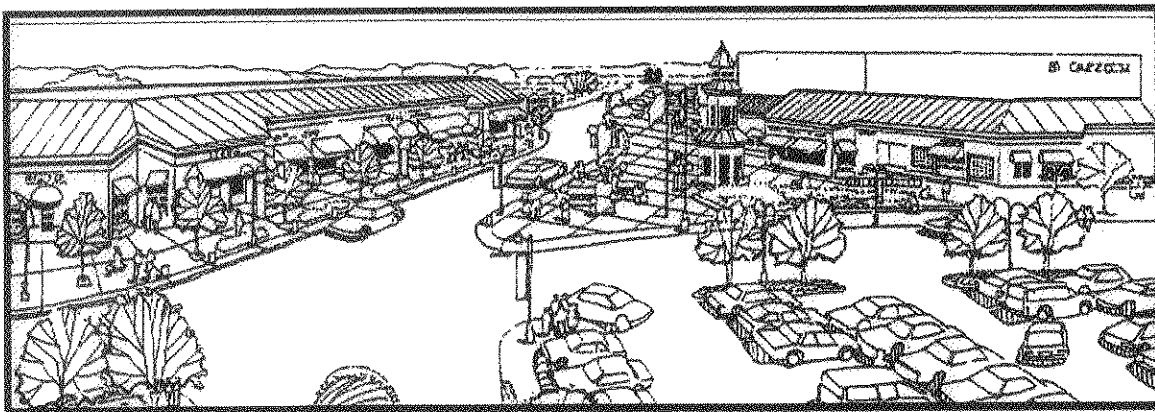
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Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways

should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

17.58.152 – Standard:

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.
- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

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Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

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- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.

B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.

Big box file



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: January 28, 2004
Subject: Design Standards for Large Scale Retail Establishments

At the Planning Commission's direction, staff has prepared the attached Resolution with enclosures for your consideration. The Resolution establishes Chapter 17.58 of the Lodi Zoning Ordinance adding Design Standards for Large Scale Retail Establishments.

The standards utilize the City of Fort Collins, Colorado, Design Standards and Guidelines for Large Retail Establishments as the foundation of this new set of regulations. Aside from formatting changes, the other modifications that are shown include the minimum size of the establishment when these standards apply; variance procedures; and a maximum number of parking stalls set at 4 spaces for every 1,000 square feet of building space.

With regard to the maximum parking stall requirement, I think it is incumbent upon staff to reinforce that this will cause significant issue with many users considering locations in Lodi. In particular I am concerned about restaurant tenants that would typically look for a higher parking requirement as a standard. I think it would be appropriate to continue the discussion regarding this standard during the public hearing. At the least, you may want to consider maximums by use, which could then be summarized for the entire project.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Konradt Bartlam", is written over a series of horizontal lines.

Konradt Bartlam
Community Development Director

Attachment



STEEFEL, LEVITT & WEISS
A Professional Corporation

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FEB 12 2004
mc
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

February 10, 2004

16982

VIA FACSIMILE AND MAIL

Honorable Chair and Members of the Planning Commission
City of Lodi
221 W. Pine Street
Lodi, CA 95242

Re: Restrictions on Size of Retail Uses in the Proposed Large
Scale Retail Design Guidelines

Dear Honorable Chair and Members of the Planning Commissioners:

On Wednesday February 11, 2004, the City of Lodi ("City" or "Lodi") Planning Commission will further consider proposed Design Standards for Large Scale Retail Establishments ("Design Standards"). The Planning Commission first considered the Design Standards at its January 28, 2003 meeting, at which time it decided further deliberation was needed and directed the Planning Department to review and, as needed, revise the proposed Design Standards. One of the revisions discussed was to include a size restriction on all future retail projects.

On behalf of our client, Wal-Mart Stores, Inc., we submit this letter to address the serious concerns raised by the proposed size restriction. For the reasons discussed below, we agree with the Community Development Director's recommendation and urge the Planning Commission **not** to include a size restriction on retail developments in the Design Standards.

A restriction on the size of retail uses, either as a ban or by requiring a use permit, is a significant change from Lodi's existing land use policy. Lodi has engaged in an extensive and lengthy planning process to determine the appropriate location for large-scale retail within the community. In particular, Lodi has determined that large-scale retail is an appropriate use in the Four Corners area. Consistent with that prior planning decision, Lodi has already approved a Target and Lowe's in that area. During this planning process, Lodi never considered a ban on, or requiring a conditional use permit for, retail uses over a certain size. In fact, neither the General Plan nor the Zoning Ordinance includes any limitation on the size of retail use. To impose a restriction now on the size of retail uses would be inconsistent with past planning efforts for the Four Corners area.

In addition to being contrary to Lodi's history of planning, the proposed restriction on the size of retail uses raises serious questions that must be considered and addressed before any such restriction is adopted. The City has not conducted, to our knowledge,

any studies or analysis on the impact of such a restriction. Some of the key items the City must consider include the following:

- **Restricting the size of retail uses presents environmental impacts which require review under CEQA;**
- **Restricting retail development will have significant negative economic impacts on the City;**
- **A maximum size restriction for retail buildings is inconsistent with Lodi's extensive planning efforts, especially in the Four Corners area;**
- **Existing large-scale retail stores in Lodi would become non-conforming uses and buildings and could not expand or significantly change;**
- **Amendments to the General Plan and Zoning Ordinance are needed to restrict the size of retail uses in Lodi; and**
- **A ban on certain size uses limits the City's discretion for future development.**

We strongly urge the Planning Commission to reject any proposed size restriction on retail uses. Adopting a "ban" or requiring a conditional use permit on certain retail uses is not the answer and does little more than limit the City's discretion with regard to future uses and negatively impact the economic retail base from Lodi.

However, if the Planning Commission desires to further consider this issue, it must separate this issue from the proposed Design Standards and conduct further study. The size limitation is not related to architectural design issues. The Planning Commission must conduct a complete and thorough analysis of the environmental, planning and economic impacts of the proposed restriction before formally considering its adoption.

A. Restricting the Size of Retail Uses Requires Review Under CEQA.

Any restriction on the size of retail uses would require review under CEQA. CEQA applies to discretionary projects approved by public agencies. *See* Public Res. Code sec. 21080(a). Changes to land use policy, including General Plan and Zoning Ordinance amendments, are discretionary actions and deemed "projects" under CEQA. *See id* at 15378(a)(1). They require CEQA review because they have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. *See Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 277-279 (1975).

Here, evidence exists to support an assertion that a restriction on retailers of a certain size may cause a significant environmental impact. Past studies have shown that limiting

retail development to smaller users generates more traffic than associated with a single large-scale retail tenant since residents are forced to make several trips for their goods instead of one single trip. Residents also are forced to travel further distances, outside the jurisdiction, to shop at the large-scale retailer, thereby exacerbating traffic and air quality impacts. Accordingly, restricting the size of retail uses may have significant environmental impacts which require full review and analysis under CEQA.

B. Adopting a Size Restriction on Retail Uses is Inconsistent with Lodi's Planning Efforts, Requires Changes to the General Plan and Zoning Ordinance, and Creates Unintended Planning Impacts.

Restricting the size of retail uses in Lodi could have several significant impacts on the City and existing large-scale retail users that have not been studied or analyzed. Adopting such a provision without adequately considering all potential ramifications would be a mistake and could violate California law. The City has not prepared any studies or evaluated the impact of banning or requiring a conditional use permit for large-scale retail stores over a certain square footage. Absent this analysis, adopting such a maximum size restriction could be seen as arbitrary, capricious, wholly lacking in evidentiary support and easily subject to legal challenge. In particular, if it can be shown the provision is aimed at a particular project or retailer, it is subject to challenge on equal protection grounds. It is an abuse of discretion for the City to enact legislation that is intended to discriminate. *See Friends of Davis v. City of Davis*, 83 Cal.App.4th 1004, 1013 (2000).

1. Existing Large-Scale Retail Stores Would Become Non-Conforming Buildings and Could be Forced to Relocate Outside the City.

Lodi presently has several large-scale retail stores over 100,000 square feet, including, but not limited to, Target, Lowe's (under construction), K-Mart and Wal-Mart. If a maximum size restriction were adopted, either a ban or a conditional use requirement, these stores would become nonconforming buildings under the Lodi Zoning Ordinance, which means their ability to repair, restore or make any additions or alterations to the buildings would be severely limited. The stores also would either be unable to expand or severely restricted from expanding, thereby significantly impairing their ability to conduct business within the City limits. Furthermore, since the Lowe's is not yet constructed, it is unclear how this change in zoning regulation would affect its existing entitlement.

As a result, when the existing large-scale retail stores outgrow their current buildings, seek to update, modernize or expand their operations, they will be forced to locate outside the City limits. The City will then be left with large empty non-conforming buildings that will be difficult, if not impossible to re-tenant. The City also will lose a significant source of tax revenue and is likely to see an increase in sales tax leakage as consumers take their dollars and spend them at retail establishments outside the City.

2. General Plan and Zoning Ordinance Amendments are Needed to Restrict the Size of Retail Uses in Lodi.

The General Plan and Zoning Ordinance dictate development within the City. They are adopted as legislative acts and regulate the size, scale and intensity of development. In fact, the General Plan is essentially the "constitution" of land use identifying the building density and intensity recommended for the various districts. *See* Cal. Gov't Code sec. 65302(a). These density's and intensity's cannot be changed without a formal amendment to the General Plan. *See also Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 531, 540-541 (1990).

Imposing a maximum size restriction of retail uses, either by ban or by conditional use permit requirements, would be a restriction on the intensity of land use in the commercial areas of Lodi. It is not, like the changes proposed under the Design Standard, merely a clarification of the general policies included in the General Plan and Zoning Ordinance regarding design, landscaping, parking, etc. It is a change in land use policy that, if adopted, would create inconsistencies with the General Plan and Zoning Ordinance. Accordingly, any such restriction can only be adopted as an amendment to the General Plan and Zoning Ordinance – it cannot be adopted as part of the Design Standards.

3. A Size Restriction on Retail Uses Contradicts Lodi's Over 9 Years of Planning for Large-Scale Retail Projects.

Lodi is a very forward thinking city and began over 9 years ago planning for large-scale retail projects. Lodi undertook a planning process to evaluate the impact of large-scale retail projects and determine where in the City these types of projects should be located. Based on the findings, Lodi determined that large-scale retail projects should be located in the Four Corners area. Consistent with that planning effort, three of the four intersections in the Four Corners area have been developed with large-scale retail projects such as Target, K-Mart, Lowe's and Wal-Mart. Development of the last corner, as proposed by the Browman Development Company, Inc. ("Browman Development"), a long-time Lodi property owner and developer, is consistent with the planning for this area. Any proposed restriction on the size of retail uses would contradict and be inconsistent with the City's long-range planning efforts. Changing the rules this late in the game also is fundamentally unfair to property owners and developers who, in good faith, have been processing applications for large-scale retail with the City over the past several years.

Adopting a maximum size restriction on retail development will severely limit the City's discretion with regard to future development. Size limitations or bans on certain types of development are not good planning tools. They are not flexible and prevent good land use and city planning. Other tools exist besides limitations and bans to address the impacts created by the large-scale retailers. Instead of restricting these uses, the City should consider how to manage and/or minimize their impacts and ensure they contribute, not detract from, the community character of Lodi.

C. Lodi Has Not Analyzed the Fiscal Impacts of Restricting Large-Retail Users.

Imposing a maximum size limitation on retail building within Lodi will have significant negative economic impacts on the City that need to be analyzed and considered. Most importantly, the size restriction will prevent large-scale retail users from locating within the City. This, in turn, will likely preclude other smaller retailers from locating in Lodi, since these smaller businesses rely on the traffic generated by the large-scale retailer for a significant amount of their business and can only locate in areas, or shopping centers, with those larger retailers. These retailers are likely to locate just outside of Lodi's jurisdiction in cities and counties where they are permitted and where it is easier to develop. When this occurs, Lodi will lose the significant tax revenue generated by large-scale retailers and the contributions they make to various public works improvements and special projects. Lodi also will likely see a decrease in tax revenue from an increase in retail sales leakage as consumers take their money and spend it on retail outside the City. Lodi is already experiencing significant retail sales leakage to other jurisdictions.

Lodi also should be concerned about losing existing large-scale retailers. If Lodi adopts a maximum size limit for retail buildings or complicated design guidelines, when these large-scale retailers decide to relocate, or need to expand, they will leave Lodi. These relocations and expansions may not occur for several years, but they will occur and by passing a ban or onerous restrictions on development Lodi will essentially be driving them from the City. Accordingly, before adopting a ban or complicated design guidelines, Lodi should carefully consider their economic and fiscal impacts.

* * * * *

For the reasons stated above, we strongly urge the Planning Commission to reject any attempt to impose a maximum building size limitation on retail stores.

Sincerely,



Judy V. Davidoff

cc: Konrad Bartlam, Community Development Director
City Attorney
Darryl Browman, Browman Development



BROWMAN DEVELOPMENT COMPANY, INC.
Development • Leasing • Management

January 28, 2004

Planning Commission
City of Lodi
221 W. Pine Street
Lodi, CA 95242

Re: Design Standards for Large Scale Retail Establishments

Dear Planning Commissioners:

On Wednesday January 28, 2003, the City of Lodi ("City" or "Lodi") Planning Commission will consider new Design Standards for Large Scale Retail Establishments ("Design Standards"). As a long time property owner and retail developer in the City, I am writing to recommend that the Planning Commission table any decision on the Design Standards until study sessions and workshops can be held in the community to flush out any problems and integrate elements responsive to the unique character of Lodi. The community, staff & Planning Commission should have an opportunity to evaluate the proposed Design Standards and recommend changes, as needed, to cater the Design Standards to Lodi.

As you know, the Design Standards being considered by the Planning Commission were not developed by Lodi, but instead, were essentially taken from the Design Standards and Guidelines For Large Retail Establishments adopted by the City of Fort Collins, Colorado ("Ft. Collins") in 1995. Only a few very minor revisions have been made. While the Ft. Collins design guidelines may be a good starting point, they are not perfect, do not work in all jurisdictions and should not be adopted carte blanche. Lodi is a unique community, and the guidelines should be modified to address the unique characteristics of Lodi.

Some of the problems Ft. Collins has had with their design guidelines are outlined in the attached letter from Kurt D. Prinslow, a landscape architect in Colorado that has worked with the Ft. Collins design guidelines. See Attachment "A". In his letter, Mr. Prinslow discusses some of the traffic congestion, pedestrian safety and parking problems that have resulted from implementation of the design guidelines. These problems are serious and are likely to occur in Lodi if the Design Standards, as proposed, are adopted.

The Ft. Collins design standards "work" in Ft. Collins, in part, because competition for retail development does not exist in the surrounding communities. Ft. Collins is essentially a "retail island" with the closest alternate retail shopping center from 15 to over 50 miles away. Lodi, however is in a much more competitive environment, it is less than 8 miles from at least 4 other retail shopping opportunities. If the City adopts the Design Standards, as proposed, it could prevent future retail developments from locating in Lodi since the development requirements would be excessively burdensome or impractical. Retail establishment may simply

choose to locate in an adjacent jurisdiction where it is easier to develop. If this occurs, Lodi would miss out on the convenience of these retailers locally, the significant tax revenue generated by large-scale retailers as well as see an increase in sales tax leakage as consumers take their dollars and spend them at retail establishments outside the City.

The specific requirements under the Design Standards that, based on my experience in developing retail shopping centers, are onerous and could potentially drive retailers away from Lodi are as follows:

- **Maximum of four (4.0) parking spaces per 1,000 square feet of retail use;**

Most retailers require a minimum five (5.0) parking spaces per 1,000 square feet of retail use. Because parking is so critical to the success of retail establishments, this provision will threaten the viability of retailer as well as exacerbate environmental impacts by requiring customers to spend more time in their vehicles searching for parking spaces.

- **Requiring that no more than 50 percent of the off-street parking area for the lot devoted to the large retail establishment be located in front of the retail establishment;**

Market research shows that customers want to park in front of the retail establishment. Even when parking is provided on the sides or rear of a building, customers still park in the front and will circle the parking lot, exacerbating the environmental impacts, looking for a parking space instead of parking on the side or rear.

- **Requiring additional stores located within a principal building have at least one exterior customer entrance;**

Most large-scale retail establishments include smaller retail stores as a convenience for customers. In fact, customers primarily visit the smaller retail stores during visits to the large retail establishment. The very size of these small retail stores precludes an exterior entrance since accommodating that entrance would use a majority of the space available to the small retailer. Further, it's highly impractical for retailers to manage/operate any store with numerous entrances and exits due to staffing, store layout and security issues.

- **Additional stores required to utilize a minimum of three prominent features;**

Most tenants in multi-tenant shops buildings have frontages ranging in size from 16' to 25'. Requiring a tenant with 16-25' of frontage to utilize three prominent features such as overhangs, canopies, arches, arcades, etc. is impractical and will look forced. The design guidelines as proposed would impose an unreasonable standard upon a small, multi-tenant building. Conformance with the spirit of the design guidelines would be better served by applying the standard to the building as a whole.

- Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade to accommodate planting beds for foundation landscaping; and,

Installation of 6 foot "foundation landscaping" adjacent to building foundations is contrary to generally-accepted engineering principles and practices. Intentionally placing irrigation water or allowing storm water runoff to percolate against building foundations designed for public use could potentially cause foundation movement or settlement and moisture migration through slabs-on-grade, thus creating cracking in structural walls and flooring. Such a requirement may be acceptable in Colorado, but in earthquake prone California wall or flooring systems already weakened by structural cracking may become more susceptible to extensive damage during a seismic event.

- A minimum six foot earthen berm is required where the façade faces residential uses.

In cases where the parking lot is adjacent to residential uses, a more practical approach would be to provide a masonry screen wall in ten-foot (10') landscape planter with trees to provide better screening and noise mitigation as set out in the present Lodi Zoning Ordinance.

Each of these requirements and the specific problems they pose for retail establishments are discussed in more detail below. A specific discussion of how these requirements are, or are not working, in Ft. Collins is also included. Other provisions in the Design Standards that could pose problems depending on their interpretation are also briefly discussed.

If the Planning Commission recommends approval of the Design Standards, and the City Council adopts those Design Standards, Lodi will be faced with implementing design guidelines that may, or may not, work in Lodi. Instead of trying to make design guidelines from another city work in Lodi, the City should take the time to study the issues and craft large-scale retail design guidelines that are specific to Lodi. Accordingly, I recommend that the Planning Commission table the Design Standards and conduct study sessions and workshops in the community on the design of large-scale retail establishments.

A. Specific Problems With The Design Standards

The design guidelines were intended to shape the "look and feel" of big box retail stores in Ft. Collins. Some of the provisions, while not typical for big box retail stores, can be accommodated through design and architectural changes. Some of the provisions, however, simply are unworkable and place unrealistic constraints on large-scale retailers. The following are provisions in the Design Standards that will not work for large-scale retailers and why. Also included is a brief discussion of how these provisions are working in Ft. Collins.

1. Maximum of four (4.0) parking spaces per 1,000 square feet of retail use.

It is our understanding that this provision was not part of the Ft. Collins design guidelines, but instead has been proposed by the City. While I encourage the City to modify the design guidelines to accommodate the specific situation in Lodi, this particular revision is unworkable for all retailers. A review of various retailers and their specific parking requirements shows that the minimum parking ratio required is 5.0 parking spaces for 1,000 square feet of retail use. See Attachment "B". Many retailers, such as food establishments and specialty retail, require a higher parking ratio. For example, fast food restaurants require anywhere from 10 to 20 parking spaces for every 1,000 square feet of retail. Costco requires 5.25 parking spaces for every 1,000 square feet of retail use and Home Depot requires 5.17 parking spaces for every 1,000 square feet of retail use. Moreover, the existing Wal-Mart Store has a 5.95 parking ratio while the existing Target also has over a 5.0 parking ratio. These are just a few examples of the parking ratios required by retail development. A complete list of parking requirements the certain retailers require is included in Attachment B.

Retailers establish parking ratios based on the average and maximum number of customers estimated to visit the store during peak hours. Retailers require certain parking ratios because adequate parking is a key component to a retail store's success. The purpose of the ratio is to ensure that adequate parking exists to satisfy consumer demand. Retail establishments that are "under parked" (i.e., have a parking ratio of less than 5.0 spaces per 1,000 square feet of retail use) lose customers because they do not want to spend 15-20 minutes circulating the parking lot looking for a space. "Under parked" retail establishments also exacerbate the environmental impacts associated with retail development because customers are spending more time in their vehicles circulating the parking lot looking for parking spaces. This increased vehicle circulation exacerbates impacts to air quality, noise and traffic. Thus, "under parking" a retail establishment threatens the viability of the establishment while increasing the environmental impacts associated with that development. By unilaterally imposing a low parking ratio on all future large retail establishments, Lodi is likely preventing many retailers from locating within Lodi.

Ft. Collins: In Ft. Collins, the City based its parking ratio on a separate document relating to parking requirements. It is our understanding that that document required 4.0 spaces per 1,000 square feet of retail use, 5.0 per 1,000 square feet of shopping center use and 6.0 spaces per 1,000 square feet of grocery use. Under this sliding scale most retailers have been required to provide a minimum of five 5.0 parking spaces per 1,000 square feet of development, which is the standard minimum in the industry. This sliding scale provides more flexibility and helps ensure that retail developments are not "under parked." Lodi's current parking requirements reflect the different parking requirements of different users. In particular, they reflect the need for at least 5.0 parking spaces per 1,000 square feet of development. I recommend that Lodi maintain its' current parking requirements.

2. No more than fifty (50) percent of the off-street parking area for the lot devoted to the large retail establishment shall be located between the front façade of the large retail establishment and the abutting streets.

Almost every stand-alone retail use locates their parking area directly in front of the front façade or entrance. This is true for grocery stores, pharmacy's, specialty retail stores and large

retail establishments. In fact, the only types of retail uses that do not locate a majority of their parking field in front of front façade are community shopping centers and retail malls. The parking configuration for those retail uses is typically either a U-shape with the retail establishments surrounding the parking field or an island configuration with the parking field surrounding the retail building. These parking configurations work for community shopping centers and retail malls because there are multiple tenants within each building and multiple entrances providing focused access to those tenants.

Large retail establishments, however, have one tenant and entrances only at the front of the store. Even if a large retail establishment had entrances on multiple sides of the building, customers still want to park in front of the store. They are likely to circle the parking lot looking for a parking space in front rather than using the parking provided on the side. As discussed above, this increase in vehicle circling will exacerbate the environmental impacts associated with a large retail development.

Ft. Collins: This provision of the design guidelines has created the most problems in Ft. Collins. At the Wal-Mart Store in Ft. Collins, fifty (50) percent of the parking is located in front of the store with the remaining fifty (50) percent spread along the side and rear of the store. It is our understanding that during peak shopping times the parking field in front of the store is full and instead of parking along the sides or rear of the store customers park on a dirt lot at the end of the parking field and across a road. This dirt lot, however, is in front of the store. While the side and rear parking areas are closer to the store than the dirt lot, customers are not using those parking areas and instead are parking further away in order to be in front of the store. Ft. Collins has received numerous complaints from its citizens about the parking situation at the Wal-Mart Store.

The Home Depot in Ft. Collins also has had problems with this parking requirement. In fact, it received a variance from the requirement and was permitted to locate sixty (60) percent of the parking field in front of the building. Home Depot is presently processing a second store in Ft. Collins and it is our understanding that they are once again seeking a variance from this parking requirement. Lodi should learn from the problems Ft. Collins is having with this requirement and modify it as necessary to accommodate their concerns while not creating a new problem for the City.

3. **Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.**

Some large retail establishments as well as most grocery stores are moving toward including smaller retail uses such as banks, pharmacies, optical services, etc. within the principal building. These smaller retail uses are usually less than 1000 square feet and are located immediately adjacent to the main customer entrance. Typically, the smaller retail use leases space from the larger retailer, but sometimes the retail use is part of the overall retail establishment. The large retailer provides these smaller retail uses as a service to help customers reduce the number of overall trips necessary to complete their shopping needs. Since consumers tend to only utilize the smaller retailers during visits to the larger retail store, requiring a separate customer entrance is not necessary. Moreover, requiring a separate entrance for each one of

these smaller retail uses is not feasible given the small size of the retail uses, their close proximity to one another and the increased security risk these additional entrances would pose to the overall retail establishment.

Ft. Collins: Ft. Collins included this requirement in the design guidelines but did not define what size or types of stores required separate entrances. It is our understanding that Ft. Collins is not requiring compliance with this provision and instead is working with developments on including multiple entries on multiple sides of the buildings rather than entries into every "additional store" in the larger retail box. Lodi should consider whether this provision makes sense and should be retained, especially given that it is not even being implemented in Ft. Collins — the city that adopted the design guidelines.

4. Customer entrances to be provided facing the public street.

Most large retail establishments are located in areas with heavy traffic and are surrounded by multiple public streets. Requiring customer entrances to face the public street could mean placing customer entrances, and therefore customers and pedestrian traffic, near automotive service areas, truck and loading docks, trash collection and compaction and outdoor storage areas. These types of activities could pose a danger to customers and pedestrians and would be opposed by retail establishments, large and small.

Ft. Collins: Retail developments under the design guidelines have been required to provide customer entrances on the sides of the building that face the public street. These entrances, however, have been located on the corner of the buildings, as close as possible to the front parking field. Any rear entrances have been provided exclusively for employees.

Even with these additional entrances a majority of customers and employees enter the store from the front. The side and rear entrances simply are not used. Just as customers want to park in front of the store, customers want to enter large retail establishments from the front. Placing entrances along the side and in the rear of the store is not changing customer preference and instead just creates more safety risks for the store. As the retail development in Ft. Collins is showing that the side and rear entrances are not being used, Lodi should consider whether this imposing requirement makes sense.

B. Clarifications To Design Standards

The following provisions of the Design Standards are workable provided that they interpreted in a reasonable manner, as discussed below.

- (a) *Where the façade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in cluster or clumps shall be provided.*

To construct a 6 foot high earthen berm requires a minimum 35 foot setback. This large setback will impose significant restrictions the availability of retail developments to accommodate the necessary buildings, parking and other improvements on a single site. Accordingly, Lodi should clarify that the purpose of

this requirement is to shield adjacent residential uses and specifically provide that alternate screening methods are acceptable.

- (b) *Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection and compaction shall be fully contained and out of view from adjacent properties.*

Fully containing the areas listed under this provision will not allow them to function properly. Accordingly, Lodi should clarify that fully containing does not mean enclosing the areas but rather adequately screening them from view by adjacent properties.

- (c) *Non-enclosed areas for storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.*

As the term implies, seasonal sales areas are only used seasonally. When not in use these areas can be used for other purposes that are consistent with the design guidelines and Zoning Ordinance. Accordingly, Lodi should clarify that permanently defining a seasonal sales area does not mean that it can only be used for seasonal sales. Rather it means that the seasonal sales areas will be located in one defined area of the site, which may be used for other purposes when not used for seasonal sales.

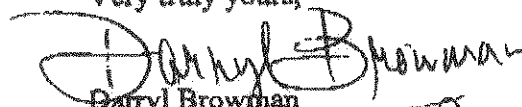
C. Negative Impact On The City If Design Standards Are Adopted

The Design Standards, if adopted, will impose very detailed requirements on all future large retail establishments in Lodi. The cost of implementing these requirements is high and may preclude some retail users from locating within the City. Other retail users may decide not to locate within Lodi because the requirements imposed under the guidelines (i.e., parking ratio) would threaten the viability of any store developed in the jurisdiction.

As other retail development opportunities exist just outside of Lodi's boundaries, larger retailers may also simply choose to locate in a jurisdiction where it is easier to develop rather than attempting to comply with complicated design guidelines. Should this occur, Lodi would miss out on the significant tax revenue generated by the large-scale retailer and on contributions by the large-scale retailer to various public works improvements and special projects funded by development contributions. Moreover, if new retail establishments are not locating in Lodi, the City could see a decrease in tax revenue from an increase in leakage as consumers take their money and spend it on retail outside the City. Accordingly, before adopting new design guidelines that could severely restrict new large retail establishments, Lodi should carefully consider the economic impacts of adopting such a measure.

Thank you for your consideration.

Very truly yours,


Darryl Browman
President

DESIGN STANDARDS: Specific Recommendations for Modifications:

1) **17.58.032(b): Ground floor facades that face the public streets shall have arcades, display windows, entry areas awnings no less than 60% of their length. In most cases commercial buildings face will face at least two (2) public streets.**

Suggestion: Clarify that there shall be no requirement for buildings less than 45,000 square feet to provide entrances and display windows on more than one side of building; otherwise tenants cannot merchandise and operate their store.

2) **17.58.082 provides where additional stores will be located in the principal building, each store shall have at least one entrance and 3 separate architectural features at its entrance.**

Suggestion: 17.58.042 seems to address the intent without placing unreasonable operational burdens on the tenants by providing that "separately owned stores in the principal building with separate entrances need display windows 60% of horizontal frontage. 17.58.082 should be deleted otherwise separate departments, license arrangements kiosks fall under this separate entrance requirement.

3) **17.58.082(b): Additional stores required to utilize a minimum of 3 prominent architectural features. In small multi-tenant buildings it may be impractical to apply this condition to each tenant's space.**

Suggestion: Clarify guidelines so in single tenant pad buildings and/or multi-tenant buildings the 3 prominent features guideline shall apply to the entire building as a whole not each tenant in a multi-tenant building.

4) **17.58.112 requires no more than 50% of the off street parking devoted to the large scale retail establishment be located in front parking lot. Additionally 17.58.112(c) requires including any pad site parking within this 50% limitation.**

Suggestion: Delete the requirements that no more than 50% of the parking can be located in the front lot and that on out parcels parking would be included in this limitation. Provide flexibility for staff and the Planning Commission to address the issue through site plan design, screening and balancing of the site, and projects interests such as the project's long-term viability.

5) **17.58.112(c) requires a maximum of 4 spaces per 1,000 square feet of building space for large scale retail.**

Suggestion: Amend provision to provide maximum of 5 stalls per 1,000 square feet of retail space for large retailers and ancillary retailers and 10-12 stalls per 1,000 square feet of restaurant uses.

6) 17.58.122(b) requires providing a six-foot (6') high earthen berm where any building façade faces residential.

Suggestion: In cases where the parking lot is adjacent to residential, provide a masonry screen wall and ten-foot (10') landscape planter with trees to provide better screening and noise mitigation as set out in the present Lodi Zoning Ordinance.

7) 17.58.132(c) provides that loading docks, truck parking, outdoor storage, utility meters HVAC equipment, trash collection and compaction should be fully contained and out of view.

Suggestion: Fully containing the areas listed in this section may be impractical will not allow them to function correctly. Clarify that "fully containing" does not mean enclosing the areas, but rather adequately screening them from view and for purposes of noise mitigation.

8) 17.58.142(c): Sidewalks, no less than 8 feet in width shall be provided along entire length of building façade featuring a customer entrance and along any façade abutting public parking areas, such sidewalks shall be located at least 6 feet from facades to accommodate planting beds.

Suggestion: Eliminate the requirement to place landscaping adjacent to building foundation as it may be impractical and is contrary to geotechnical engineering standards and practices (cause differential settlement/seismic issues) provide staff, SPARC and/or the Planning Commission with discretion to add landscaping planters in areas they deem appropriate and practical.

GENERAL COMMENTS:

1) There is some confusion about when and if the standard applies only to larger 45,000 square foot retailers and/or when they apply to other smaller buildings in the shopping center such as out parcel tenants.

Suggestion: To eliminate confusion, clarify definition of a principal building as one that contains 45,000 square feet of GLA or more.

2) **Variance Standard: Under California law variance requires a finding of hardship.**

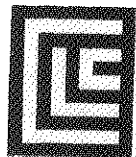
Suggestion: Modify Ordinance consistent with the Fort Collins Ordinance to provide staff and/or Planning Commission with the right (without requirement or legal burden of variance) to modify standard if it determines: (1) strict application of the standard results in peculiar or exceptional practical difficulties or undue hardship or (2) alternate site plan and design approach meets design objectives and goals of City equally well or better.

Under the Design guidelines the modifications can only occur through the variance process which may be burdensome to administer and not facilitate the goals and objectives of the Design Standard.

Suggestion: Modify Ordinance consistent with the Fort Collins Ordinance to provide staff and/or Planning Commission with the right (without requirement or legal burden of variance) to modify standard if it determines: (1) strict application of the standard results in peculiar or exceptional practical difficulties or undue hardship or (2) alternate site plan and design approach meets design objectives and goals of City equally well or better.

Under the Design guidelines the modifications can only occur through the variance process which may be burdensome to administer and not facilitate the goals and objectives of the Design Standard.

<u>Parking Ratio</u>	<u>Books</u>	<u>Parking Ratio</u>	<u>Furniture Stores</u>
	Barnes & Noble	5	Cost Plus
5	Borders, Inc.		Lamps Plus
5	Tower Books	5	Pier 1 Imports
	<u>Childrens Learning Centers</u>		Pottery Barn
10	Babies R Us		Restoration Hardware
	Disney Store		William Sonoma
5.5	Kids R Us		Z Gallerie
7.5	Toys R Us		<u>Health Clubs</u>
	<u>Department Stores</u>	5	24 Hour Fitness
	Gottschalks		Bally's Total Fitness
5.7	Kohl's		<u>Home Improvement</u>
	Sears	5.17	Home Depot
	<u>Domestic</u>		<u>Markets</u>
5	Bed Bath & Beyond	5	Albertsons
7.5	Michaels Arts & Crafts	5	Fleming Companies
5	Strouds		Raley's
	<u>Drug Stores</u>	5	Ralphs-Food 4 Less
5	Longs Drug Store	5	Safeway
5.5	Rite Aid	5.4	Trader Joe's
5.5	Walgreens		<u>Pet Store</u>
	<u>Electronics - Appliances</u>		Petco
6	Best Buy	5	PetsMart
5.5	Circuit City		<u>Soft Goods</u>
5	Comp USA	5	Burlington Coat Factory
5	Fry's Electronics		Fashion Bug
5	Good Guys	5	Gap
	<u>Fast Food - Restaurants</u>		Men's Warehouse
20	Applebee's	5	Old Navy
9.33	Chili's	5	Ross Dress for Less
	Claim Jumper		<u>Sporting Goods</u>
15	Del Taco		Copeland's Sports
15	Elephant Bar	5	R.E.I
	Il Fornaio	5	Sportmart/Gart Sports
9	In N Out Burger		<u>Wholesale Clubs</u>
	Jamba Juice	5.25	Costco
	Johnny Carino	5	Sam's Club
10	Johnny Rockets		
	Krispy Kreme Doughnuts		
	Macaroni Grill		
15	Mimi's Café		
18	Olive Garden		
	On the Border		
	Panera		
	PF Changs China Bistro		
13	Pizza Hut		
19	Red Lobster		
	Red Robin		
11	Round Table Pizza		
	Rubio's Baja Grill		
	Starbucks Coffee Company		
18	TGI Fridays		
10	Taco Bell		
	Tony Roma's		



CLC ASSOCIATES

January 26, 2004

Mr. Rick Chavez
Doucet & Associates
3300 Douglas Boulevard, Suite 475
Roseville, CA 95661

RE: Fort Collins, Colorado
Design Guidelines for Large Retail Establishments

Dear Mr. Chavez:

CLC Associates, Inc. has been involved since 1995 as the Land Planners, Civil Engineers, Design Architects and Landscape Architects on a project called Mulberry and Lemay Crossings located in Fort Collins, Colorado. This is a 54-acre master planned retail and residential development whose initial phase was a 10 acre apartment complex that provides affordable housing opportunities to the citizens of Fort Collins. The second phase was a Wal-Mart Supercenter. The balance of the center is now built and/or in the process of approval and includes a Home Depot, KFC restaurant, and cluster of small retail shops.

Mulberry and Lemay Crossings was the second large retail development in Fort Collins to be held to the criteria outlined in the Design Standard and Guidelines for Large Retail Establishments which were adopted by the City of Fort Collins in January, 1995. This site meets the criteria but it was not without extensive discussions with the staff on their interpretation of the Guidelines. Our initial meetings with the City of Fort Collins were in March of 1995; shortly after the adoption of the Guidelines. The planning process was a lengthy process involving annexation by the City, the approval - via public ballot - of an Overall Development Plan (Master Plan) for the entire site, and the approval of the Site Development Plan for Wal-Mart's lot by the Planning and Zoning Commission and City Council. The annexation process was rather quick (one year), since the property is bounded on 3 sides by the City. The balance of the time was spent with the City in the planning of an overall site plan, as well as, a specific Wal-Mart site plan that met the various aspects of the Guidelines. The apartments were opened in 1999. The Wal-Mart was opened in the fall of 2001.

We can now look back at this store and site and see what elements of the Guidelines have worked and which requirements haven't worked. The one that has caused the greatest deal of frustration to the "pedestrian" and "vehicular" customer is the requirement for the distribution of parking around the store. The store is one of two in the City and draws customers from the north end of the City, the surrounding county and neighboring state of Wyoming. It is a very busy store. The site has access points to the parking lots from the three surrounding streets. Yet every customer seems to want to park in front of the building, even though some of the spaces on the sides of the building are closer to the building's entries. By having no more than

Mr. Rick Chavez
January 26, 2004
Page 2

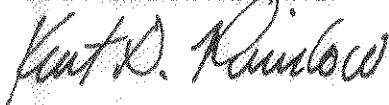
50% of the total parking in front of the building this causes traffic congestion in front of a store which was planned to be "pedestrian friendly". Even though the parking lot was designed to accommodate a parking ratio of 5 spaces/1,000 square feet of building area, customers still end up parking across the street on the dirt portions of the development.

In your discussions with the City of Lodi, I would encourage them to reconsider the requirements of no more than 50% of the total parking being located between the front of the building and the adjacent street and limiting the parking ratio to 4 spaces/1,000 sq. ft. The congestion and confusion, which are a result of this requirement, have been caused in front of the Fort Collin's Wal-Mart store, seem contrary to the goals of a pedestrian "friendly" and safe retail site.

I am always available for further discussions and suggestions on how to respond to these Guidelines.

Sincerely,

CLC ASSOCIATES, INC.



Kurt D. Prinslow
Director of Landscape Architecture

KDP:cst

cc: Alexis M. Pelosi – Steefel, Levitt and Weiss

DRAFT

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

WEDNESDAY

January 28, 2004

7:00 P.M.

The Planning Commission met and was called to order by Chairman Mattheis.

Commissioners Present: Eddie Aguirre, Dennis Haugan, Randall Heinitz, Gina Moran, David Phillips, Dennis White, and Chairman Mattheis **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner, Associate Planner, and Lisa Wagner, Secretary.

PUBLIC HEARINGS

Commissioner White arrived at 7:07 p.m.

The request of Richard Galantine for the Planning Commission's recommendation of the approval to the City Council for an Annexation and Rezoning for 5952 East Pine Street. Community Development Director Bartlam presented the item to the Commission. The property had a City General Plan designation of H-I, Heavy Industrial and a County zoning of I-L, Limited Industrial. The request was to Rezone the property to M-2, Heavy Industrial to make it consistent with the General Plan designation. The subject property was a 10-acre parcel located just east of the Lodi Memorial Cemetery. The request for annexation would be going through the LAFCO process once it is approved by the City Council. When the property is developed it will be an infill project surrounded by other industrial uses. Staff was recommending approval of the requests.

Commissioner Heinitz asked if the cemetery would remain in the County? Mr. Bartlam replied that it would remain in the County since they were reluctant to be annexed into the city.

Hearing Opened to the Public

No one came forward to speak on the matter.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner Heinitz, Haugan second voted to approve the request of Richard Galantine and to recommend approval to the City Council for the Annexation and Rezoning for 5952 East Pine Street by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

The request of Jeffrey Kirst for approval of a vesting Tentative Subdivision Map for Almond North, a 28-lot single-family residential subdivision at 265 East Almond Drive. Associate Planner Meissner presented the item to the Commission. The project area included two separate properties encompassing nearly 5- acres of land. When the project develops, there would be six corner lots with duplexes built upon them. The Development Plan for this project was reviewed and approved earlier and granted 34 low-density units. Each lot will be at least 5,000 square feet in size. The traffic circulation pattern for the project would connect this subdivision to existing streets in the area. Staff found the project to be suitable for the site and further noted that the project would be surrounded by other developments now underway in the area. Staff was recommending approval of the request with the correction that condition #12 and condition #25b from resolution be removed.

Commissioner Heinitz questioned staff on wall locations along Almond Drive. Staff responded that the project would not have a wall since there was front door access on to Almond Drive.

Hearing Opened to Public

Karen Bowen, 1641 Fawnhaven Way, Lodi. Ms. Bowen asked if there were any plans to extend Ravenwood Way. When she bought her property she was told that Ravenwood Way would not be a through street. She also had a resolution in hand that read a portion of Ravenwood Way was to be vacated. She was concerned about her home's value with the increased traffic from the project. Mr. Bartlam replied that there had been a court case with the former owner of the property regarding how this project would connect to his property. The portion of Ravenwood Way that was to vacated was at the request of Mr. Ruhl, the former property owner. Mr. Bartlam invited her to stop by City Hall to discuss the matter further.

Hearing Closed to Public

The Planning Commission on motion of Commissioner Heinitz, Haugan second voted to approve by the request of Jeffrey Kirst for approval of a vesting Tentative Subdivision Map for Almond North, a 28-lot single-family residential subdivision at 265 East Almond Drive by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

The request of R. Thomas Development, Inc. for approval of a Vesting Tentative Subdivision Map for Millsbridge II, a 27-lot single-family residential subdivision at 1723 West Kettleman Lane. Associate Planner Meissner presented the item to the Commission. The subject property was 4 ¼ acres in size and zoned for residential use. When developed, the corner lots would have duplexes built upon them. The project was reviewed and approved for 28 building allocations in 2003. Each lot would be around 5,800 square feet, the streets will have a tree-lined parkways and sidewalks. Staff was recommending approval of the project with the exception that condition #12 be removed from the Resolution.

Hearing Opened to Public

No one came forward to speak.

Hearing Closed to Public

The Planning Commission on motion of Commissioner Haugan, Heinritz second, voted to approve by the request of R. Thomas Development, Inc. for approval of a Vesting Tentative Subdivision Map for Millsbridge II, a 27-lot single-family residential subdivision at 1723 West Kettleman Lane by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinritz, Moran, Phillips, White and Chairman Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

Zoning Ordinance Amendment adding Chapter 17.58 regarding Design

Standards for Large Retail Establishments. Chairman Mattheis started out the Public Hearing by saying the design standards being reviewed would compliment the small town atmosphere within Lodi. The standards would mitigate visual impacts and set design standards for future developments. He announced that the focus of the public hearing was to review proposed design standards for large retail establishments. If anyone had comments about specific projects or parcels, they would have to wait until the Public Comments portion of the agenda.

Mr. Bartlam gave an overview of the ordinance. He stated that once the standards were approved by the Commission, then a recommendation would be made to the City Council to adopt the standards. The set of standards deals with architectural details as well as site development. Some of the details may make or break a project. It will also have an impact on smaller buildings that may take place in a larger center. It would address several design issues and the purpose of this ordinance was to make bigger buildings more visually pleasing and palatable to the public.

The requirements for roofing material, parapets were spelled out in detail in the document. It attempts to give guidance on how a building's entry way, rear, sides, and back of building will look. The project site would receive attention via location of parking stalls in terms of quantity and how they are distributed amongst the rest of the center. It will deal with the number of parking stalls both as a minimum and a maximum count. It will deal with location and treatment of outdoor storage, trash, and loading areas for both visual and noise reduction. It will deal with pedestrian flows in terms of being able to bring people from both public streets to the buildings.

The standards require community spaces, such as a plaza or water features. These features tend to humanize a project site.

For the past 30 years the city has had an architectural review committee that deals with design related issues. The standards would help the committee to have more "teeth" with dealing with the design of a building. The set of standards were specific to projects that have a building size of more than 45,000 square feet.

One of the most significant design issues was the distribution of parking. The new standards were requiring that no more than 50% of the total parking on the site must be

in front of the major tenant. The second significant standard was placing a maximum parking count (4 spaces per 1,000 sq. ft.) on a project.

Hearing Opened to the Public

Barbara Flockhart, 331 La Setta Drive, Lodi. Ms. Flockhart was concerned about the ability for her RV to move around a parking lot. She did not want any islands with trees located in parking lots.

June Gifford, 519 W. Locust Street, Lodi. Ms. Gifford was in support of the guidelines and felt the commission had done a wonderful job downtown. She was in favor of putting a limitation on the square-footage of a building.

Barbara Krengel, 915 W. Locust Street, Lodi. Ms. Krengel echoed Ms. Gifford's statements.

Kathy Grant, 841 Cardinal Street, Lodi. Ms. Grant stated she liked what the Commission had been doing. She suggested a 25,000 square foot building verses the recommended 45,000 square-foot threshold. She suggested adding a category to Pedestrian flows to include bicycles. She wanted to see a pedestrian walkway as well and not just benches and walkways.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney was present to represent herself and Citizens for Open Government. She supported the document; however, she felt the parking should be 3 parking stalls rather than 4 parking stalls per 1,000 square feet, a 25,000 sq. ft. threshold and a maximum of no more than 100,000 sq. ft. Her group was prepared to support square footage limitations even if it needed to be done by initiative.

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton had spoken with staff from the City of Fort Collins and noted that they had placed a 6-month moratorium on any new buildings until the guidelines were in place. Any new retailers larger than 25,000 square feet should have to follow the guidelines. In addition, she was in favor of a square footage limitation.

Bob Padden, 18600 Olive Street, Woodbridge. Mr. Padden liked the 25,000 square foot minimum and felt there should also be a maximum. He suggested that every shopping center should be located at a signalized intersection.

Mike Higgins, 130 S. Ham Lane, Lodi. Mr. Higgins was in support for a maximum square footage of up to 125,000 square feet. He supported the proposed parking ratio and noted that by spreading the parking around the building it would be good for traffic circulation. He also wanted to see more bicycle and pedestrian lanes within the centers.

George Fink, 1529 Edgewood Drive, Lodi. Mr. Fink stated that the design standards were long overdue. He supported placing buildings more in the front of a property rather than in back. He also liked the idea of the Art in Public places requirement.

Laddie Erbele, 720 Cypress Run, Woodbridge. Ms. Erbele was present to represent herself and the Delta Sierra Club Mother Lode Chapter. She was in favor of putting a 100,000 sq. ft maximum on any new buildings and also was in favor of the 25,000 square footage minimum before the design standards would be applied.

Daryl Browman, 100 Swan Way, Suite 206, Oakland. Mr. Browman has been a property owner for 10 years in Lodi and owns a retail development company. He stated that his focus was on the long-term viability of his projects. He was in support

of design standards and had been doing more pedestrian-friendly projects. He suggested a study session to see just how the design standards would apply to new incoming projects. He felt the suggested parking standards would deter restaurants from coming to Lodi. He shared that retailers usually relocate their business because of a lack of parking. In regards to 50% parking being located in the front of the store, he stated that parking must be convenient for and that is why all main entries to a store are located in the front of the building. Although Fort Collins had parking in the front and back of their store, when both of those lots were full, customers started parking in dirt areas around store. He stated that multiple entrances to a store would create more problems with security. He suggested that instead of using a 6-foot berm for screening, that a landscaped screen or wall would be better.

Jim Watt, Vice President of Real Estate for Save Mart Supermarkets. Mr. Watt felt retailers would make concessions when they wanted a site. He preferred the standard of 5 cars per 1,000 square feet. He had seen other stores make concessions with parking and noted that he had also seen projects where parking was wrapped around the whole store.

John Donovan, 425 W. Locust Street, Lodi. Mr. Donovan was concerned about the air quality. He noted that when trees are planted they absorb pollution, shade area, and intercept rainfall. He supported a 100,000 square foot maximum and suggested 3 parking spaces per 1,000 square feet. He felt that the parking lots needed bigger planters, and bigger trees. He asked the Commission to not rush through the guidelines.

Hearing Closed to the Public

Chairman Mattheis noted for the record that prior to the meeting he had spoken with several citizens, Darryl Browman, and representatives from Save Mart Foods. He suggested the following changes to the document:

Section 17.58.020-reduced from 45,000 to 25,000 sq. ft.

Section 17.58.112- (a)-Needed more additional language for clarification purposed.

Section 17.58.112- (c)Chairman Mattheis suggested removing second sentence and replacing it with "the maximum number of off-street parking spaces shall not exceed the following: Retail 4 spaces for every 1,000 sq. ft./Restaurants 15 spaces for every 1,000 sq. ft./Fitness & Health clubs 6 spaces per 1,000 sq. ft. In addition he suggested language to read "for phased developments parking areas shall only be constructed when the adjoining building for which the parking is required is built." This suggesting was an increase for the overall parking of the site, but more specifically related to the building pads within the center.

(c) add condition that if additional parking stalls were requested, they maybe allowed when developed in a multi-level structure with Planning Commission approval.

Section 17.58.122-(b)-did not see the need for a 6-foot berm that backs up to a residential area. He suggested that it be placed on public streets only.

Section 17.58.142(c)-landscaping around building- He appreciated the need for additional landscaping around building and suggested having

landscaping between sidewalk and road.

Section 17.58.042 (a)-delete the word "be"

Section 17.58.051-delete first comma in sentence.

Section 17.58.072-strike #5, in place of #3 rock or native stone

Section 17.58.142-add and (f) to add a bike and pedestrian circulation section to the standard

Section 17.58.132-enclosures-should be visually and acoustically screened.

Chairman Mattheis stated that he was not in favor of establishing a maximum square footage size. He preferred to leave the item as it was presented in the document.

Ann Cerney interrupted Chairman Mattheis and came forward to complain that the Commission was not following the Due Process and Notice Procedure.

Chairman Mattheis asked Mr. Bartlam for direction on Ms. Cerney's complaint. Mr. Bartlam replied that he had not seen anything that was out of order. The Chairman did disclose that he had meetings with certain people prior to the meeting, which was customary and a courtesy, but not necessarily required. Beyond that, the meeting was noticed as a public hearing regarding the design standards and nothing else. The Commission had every right to bring up additional items that were not in staff's recommendation as long as they are in purview of the design standards.

Hearing reopened to the Public

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney felt the specific issue that she wanted the people attending the meeting to address was the issue of parking. She felt that the presented parking standard for retail of 4 spaces per 1,000 sq. ft. should be a flat number for an entire development with a large retailer and that the parking should be distributed throughout the site. She felt that what was presented was a differentiation depending on what businesses were being served. She felt the recommended changes would reward one particular party that addressed the Commission.

Mr. Bartlam pointed out that in his memorandum to the Commission, he was the one who raised the issue of looking at restaurants with an additional parking standard and it had nothing to do with discussions with developers or otherwise, but one of continuing the conversation about what maximums ought to exist. It was most customary in planning standards to have parking calculated by use and not by site.

Commissioner Heinitz responded that the Commission was present to listen to everyone and their input.

Commissioner Haugan suggested a need to have a sliding scale for parking.

John Donovan, 425 W. Walnut Street, Lodi. He mentioned that the one thing that always was overlooked was public transportation to a site. He felt the suggested restaurant parking requirement (15 spaces per 1,000 sq. ft.) was just to fool people.

Hearing Closed to the Public

The Commission took a 5-minute break

Commissioner Mattheis came back with the following changes:

- 1) That the minimum square footage of a building be 25,000 square feet before the standards apply.
- 2) Retail Parking 4 spaces per 1,000 sq. ft.; Restaurants 15 spaces per 1,000 sq. ft., and 6 spaces per 1,000 sq. ft. for health clubs.
- 3) That the wording be simplified in section 58.112.
- 4) That 50 percent of the parking to be placed in front of building
- 5) That the berm suggested be applied to public streets.
- 6) That a standard for bike parking and safe pedestrian walkway be set.

In regards to a maximum square footage, Commissioner Mattheis felt that the square footage was more of a control mechanism that should be addressed in how the commission proceeds with the ordinance. Commissioner Phillips suggested that if a building is going to be over 100,000 square feet, then a Use Permit process should be applied. Commissioners Mattheis, Heinitz, and White felt that there should not be a square footage maximum set.

Commissioner Heinitz wanted to see a pedestrian walkway from the street to the business. He would like to see the walkways more visible, safe and with traffic calming measures.

In regards to the lighting in parking areas, Mr. Bartlam noted the higher the pole the less light, the lower the light, the more light poles needed. Commissioner Mattheis suggested a 25-foot height standard. He further suggested low-level lighting along pedestrian walkways.

In regards to the tree & landscaping standards. The current standards allow 1 tree to every 4 parking spaces. Commissioner Mattheis felt the issue of growth and maintenance should be addressed.

In regards to outdoor storage, Mr. Bartlam shared that there was nothing in the code, yet. It was suggested that any space used for outdoor storage would be calculated as parking spaces.

Community Development Director Bartlam stated that the various modifications suggested be the Commission would be made to the document and be brought back before the Commission for action at their next meeting. The item would not be an advertised public hearing, since the public hearing had already been closed. It would appear as a "Planning Matter" on the next agenda. The Planning Commission felt that the item should be re-advertised for the next meeting as a public hearing.

Comments by the Public

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton felt the public should have more input on the square footage issue. She recommended that the document being proposed be split into two documents, so that the square footage could be discussed further. She further stated that big stores create more impacts than just economical impacts.

Commissioner Heintz felt the Council should handle the matter.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney was concerned that the public had

been cut out and she urged that the public hearing be continued. If the people of Lodi do not want a Super Wal-Mart, the people make the design guidelines, not the Commission.

Christina Cross, J896 W. Turner Road. Ms. Cross suggested shuttles around Christmas time. She felt that until the community had a chance to come together, then the matter should not go any further.

Tammy Evans, 46 Valley Oak Place, Lodi. Ms. Evans stated that not everyone was against Wal-Mart and she thanked the Commission for all their efforts.

Don Ricci, 2711 Bristol, Lodi. Mr. Ricci felt the standards were long overdue and noted a majority of the guidelines were aimed at a certain business. He suggested a parking structure rather than a parking lot.

Amy Shepherd, 509 W. Turner Road, Lodi. Ms. Shepherd liked the small town atmosphere in Lodi. A large retail store would have an impact on all people who live in Lodi.

Judy Davidoff. Ms. Davidoff was present to represent Wal-Mart. She felt that targeting a certain retailer was not appropriate. The design guidelines were a great plan; however, limiting the size was not appropriate.

Commissioner Heinitz stated that the meeting was not a "Wal-Mart forum." It was to address design standards only.

Darryl Browman, 100 Swan Way, Suite 206, Oakland. Mr. Browman felt the design standards would ultimately produce a great project. If a square footage maximum had been in place previously, then Lodi would not have a Target or Lowe's stores. He asked the Commission to let the size limitations be a political decision.

Mike Folkner, 46 Valley Oak Place, Lodi. Mr. Folkner is the manager for the Lodi Wal-Mart store. He felt the pending question was "how big should a big box be?" People say that the current store is too small, and they ask him "when is the new Superstore coming?"

Susan Hitchcock, 2443 MacArthur Parkway, Lodi. Ms. Hitchcock stated that planning is the best use of the land, not just numbers and dollars. She suggested that the Commission wrestle with it and then forward it on to the Council. She suggested using a conditional use permit process.

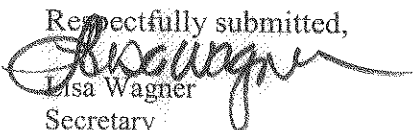
Public Comment Closed

It was decided that the Design Standards would be re-noticed and there would be a public hearing on the item at the next meeting.

ADJOURNMENT

As there was no further business to be brought before the Planning Commission, Chairman Mattheis adjourned the session at 11:45 p.m.

Respectfully submitted,


Lisa Wagner
Secretary

DRAFT

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

WEDNESDAY

February 11, 2004

7:00 P.M.

The Planning Commission met and was called to order by Chairman Mattheis.

Commissioners Present: Eddie Aguirre, Dennis Haugan, Randall Heinitz, Gina Moran, David Phillips, Dennis White, and Chairman Mattheis **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Mark Meissner, Associate Planner, Lisa Wagner, Secretary, and D. Stephen Schwabauer, Interim City Attorney

PUBLIC HEARINGS

Commissioner Phillips made a motion to move the "Comments by the Public" portion of the agenda to the beginning of the meeting. This motion failed due to lack of a second.

Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments. Community Development Director Bartlam presented the item and stated that a variety of issues had been changed by direction of the Planning Commission. The proposed changes were: 1) Section 17.58.021-Maximum Size Limitations. Staff did not fill in any square footage numbers until the matter was discussed. There was also an alternative noted in this section for any building exceeding a certain square footage would need to go through the Use Permit process. 2) Section 17.58.112-Parking standards, Retail, Four (4) spaces for every 1,000 square feet; Restaurant fifteen (15) spaces for every 1,000 square feet; Fitness/Health Club, six (6) spaces for every 1,000 square feet; and the ability for a multi parking structure. 3) Bicycle circulation to be separated from vehicular traffic. He further noted that staff had received two binders with signatures from Wal Mart and a fax from a law firm outlining their opinion on why restrictions of size limitations were not good.

Commissioner Heinitz pointed out bicycle mishaps in commercial shopping centers. Mr. Bartlam replied that by using traffic calming measures within a center, traffic would be forced to slow down.

Commissioner Mattheis felt the parking standard for retail (4 spaces per 1,000 sq. ft.) may be too low. He did not like putting a square footage limitation on new buildings.

Commissioner Heinitz also did not like putting a limitation on the square footage of a building. He further stated that the new ordinance would be used for future development. If the proposed guidelines had been in place, then the City would not have the businesses that they do today.

Commissioner Aguirre asked if parking standard 17.58.112 (50% of parking be in front

of building) would alleviate a "sea of parking"? Commissioner Mattheis replied his issue was to minimize the amount of parking as much as possible but still keep the numbers realistic.

Commissioner Haugan felt for retail (4 spaces per 1,000 sq. ft.) was unrealistic. He suggested 5 spaces per 1,000 square feet. He was in favor of having 50% of the parking in front of a store. Due to safety issues, he did not like the idea of having multiple entries into a business. He felt putting a 100,000 square-foot limitation on any buildings was too small.

Commissioner Phillips felt 15 spaces for restaurants were too high. He was in favor of a conditional use permit process for big projects.

Commissioner Moran pointed out that the guidelines were trying to assist on just how a building would be designed. She felt that for retail (4 spaces per 1,000 sq. ft.) was reasonable. She suggested that landscape standards be merged into the Ordinance. Mr. Bartlam replied that they would be added.

Chairman Mattheis reminded those in attendance that the Commission was only addressing design issues and not talking about any one particular project. The standards would be applied to all future retail development over 25,000 square feet. If anyone wanted to talk about other issues, they would be able to speak at the Comments by Public portion of the meeting.

Hearing Opened to Public

Laddie Erbele, 720 Cypress Run, Woodbridge. Ms. Erbele represented the Sierra Club. She never envisioned what is now built and felt it was time to set limits on the size of buildings. Need to realize the value of farmland and use it wisely.

Betsy Fiske, 727 S. Lee Avenue, Lodi. Ms. Fiske wanted to reserve Lodi's unique sense of place. She suggested putting a 75,000 square foot cap on larger buildings. She did not want traffic to increase with any development.

Vic DeMelo, Castle Court, San Ramon, CA. Mr. DeMelo felt the design standards were very strong guidelines for the designing of larger buildings. He was in charge of leasing existing buildings within Wal Mart development. He noted that every tenant had an excess of parking. The reason being is that smaller businesses turn over more quickly and he must keep flexible parking standards for other incoming businesses. A strict parking standard would turn away many businesses.

John Thompson, J896 W. Turner Road, Lodi. Mr. Thompson was concerned on what happens when a super-center moves into a community and existing "big box" stores are vacated. The loss of an anchor store could have an impact to other stores in shopping center. He suggested an Ordinance that limits non-taxable sales.

Eileen St. Yves, 310 S. Orange Avenue, Lodi. Ms. St. Yves was concerned about the conversion of farmland to commercial use. She felt the City needed a plan for future commercial development. She asked the commission and public not to pick on new retailers with the new design guidelines, but to also look at existing commercial buildings. She wanted to keep sales tax dollars in Lodi.

Tim Cremin, Steefel, Levitt & Weiss, One Embarcadero Center, San Francisco, CA.

Mr. Cremin was present to represent his firm and he was opposed to any size restrictions being placed on buildings. He felt there was no factual basis on putting a limitation of 100,000 square feet for any building. He felt the city was using planning tools to limit certain businesses within the city and it was an improper use of planning tools. There would be a negative economic impact with a size limitation.

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney felt the city should not be too terribly concerned about future businesses they should be mostly concerned about what the community would look like over many years. She suggested an 80,000 square foot limitation without a conditional use permit. She was also opposed to the changes in the parking standard. She wanted 3 parking spaces rather than 4 parking spaces per 1,000 sq. ft. and not a sliding scale. She asked why not make the minimum the maximum? She also asked that a certain percentage of the site be permeable so that water could seep down to groundwater. Also suggested that traffic should have very little impact.

Michael Folkner, 46 Valley Oak Place, Woodbridge. Mr. Folkner was the manager of a large retailer in the city. He presented the commission with a petition containing 1,600 signatures gathered from his customers. He noted that customers come from all over the area to shop in Lodi. He was not in favor of putting a square-footage limitation on any building.

Commissioner Heinitz asked how many people Mr. Folker employed at his store? Mr. Folker replied, 340 employees and that they all start above minimum wage.

Kurt Roberts, 239 Oriole Lane, Lodi. Mr. Roberts noted that the petition signed was from mostly people who don't live in Lodi. He suggested a 130,000 square-foot limitation. If the big box stores want to come to Lodi they would have to conform to the size limitations.

Jim Watt, Savemart Supermarkets. Mr. Watt stated that there was potential litigation on the square footage issue. He had a number of stores have 4 parking spaces per thousand and it works. He suggested a compromise at 4.3 parking stalls per thousand square feet. He also suggested that a Use Permit be done for any buildings in excess of 75,000 square-feet.

Daryl Browman, 3315 Fernside Blvd., Alameda, CA. Mr. Browman was in support of design guidelines. He pointed out that if adopted the community would have to live with the standards. He was against a size limitation and felt that with the guidelines in place, it would make a shopping center better designed. Regarding the parking standard of 4 spaces per 1,000 sq. ft, it was generally 5 per 1,000 sq. ft for most retailers, and restaurants required more parking. The location of parking stalls should be convenient for customers and as far as multiple entrances, there could be security issues. In regards to the screening of loading docks, the building could be designed to shield screen them.

Robin Knowlton, 410 W. Oak Street, Lodi. Ms. Knowlton read a passage from a book. People have moved to Lodi because they like the small town atmosphere. She felt putting a size limitation on square-footage was to make a project more compatible with the community. Many other states have put a cap on square footage to keep their

communities more unique. She suggested a 120,000 square-foot maximum. .

Randy Snider, 301 S. Ham Lane, Suite A, Lodi. Mr. Snider is one of the property owner's of the parcel located at the southwest corner of Kettleman Lane and Lower Sacramento Road. He stated that his project was not something that had developed over a small amount of time and they had been working on the project for 12 years. He was one of the property owners during the Downtown Revitalization process and his property was designated for large retail use.

Dean Meier, 852 S. California Street. Mr. Meier asked what people wanted Lodi look like in the future. He was in favor of a 100,000 square foot maximum.

John Donovan, 425 W. Walnut Street, Lodi. Mr. Donovan shared that ordinances could be changed every 10 years. What is permanent is what the impact would be to Lodi. He did not want a "sea of parking" in the front of any building. The community needs to have input into design of project. He did not believe that Lodi would be left behind economically if a square footage restriction were set. He felt that 15 stalls for restaurants vs. 4 stalls for retail were very ambiguous. He would like to see more parking structures erected for such projects.

Wanda Adolf, 13271 E. Locke Road. Ms. Adolf stated that if big box stores don't come to Lodi, then money would be going to other communities.

Steve Pechin, 323 W. Elm Street. Mr. Pechin was a resident as well as a designer. He felt that any strict limitations with conflict with the design of a building. Businesses would focus more on the inside of the building rather than the outside. He suggested a Use Permit as a compromise.

Joe Pacino, 315 W. Vine Street, Lodi. Mr. Pacino felt that there needed to be some reasonable limitations set. He was concerned about the possibility of buildings becoming vacant when a new store is built.

Hearing Closed to the Public

The Commission took a 5-minute break.

Commissioner Mattheis stated he did not see a nexus between size and design. You could have a building at 20,000 square-feet that looks ugly and you could have a 150,000 square foot building that is beautiful. He felt the issues were underneath design, economic in nature, and perhaps the idea of scale. He suggested separating the square footage issue from the design guidelines so that it could be discussed further, so that the design guidelines could go forward. In regards to parking standards, he wanted to discuss the number of parking spaces per 1000 square-feet. He also wanted to discuss the language of restaurant vs. food service.

Commissioner White felt that people from Lodi like the small town atmosphere; however, Lodi is a growing city and will to continue to grow as long as people keep moving to Lodi. He was more concerned about the design of the building and not square-footage. He suggested 5 parking spaces per 1,000 square feet with 50% of parking in front of building.

Commissioner Haugan did not want any size limitations set. He was agreeable to

increasing the parking from 4 to 5 spaces per 1,000 square feet.

Commissioner Heinitz was also opposed to setting size limitations on buildings. He was concerned about the economic impacts if businesses don't come to Lodi. He suggested 5 parking spaces per 1,000 square feet with a sliding scale.

Commissioner Phillips also supported that 50% of parking be placed in front of the building and that there be 5 parking spaces per 1,000 square feet. He was also desirous of seeing projects that would maximize Lodi's tax dollar base. He stated the he could agree to a separate discussion regarding size.

Commissioner Aguirre felt there should be more discussion regarding restrictions on building sizes. He suggested stores that had more than one-story. He was also in favor of the 5 parking spaces per 1,000 square feet.

Commissioner Moran also liked the suggestion of 5 parking spaces per 1,000 square feet. She also felt that more discussion was needed on the square footage issue. She suggested incorporating the new landscape requirements to the ordinance.

A motion was made by Commissioner Aguirre, Mattheis second, as amended to approve with the exclusion of size, landscape standards, and parking of 5 spaces per 1,000 sq.ft. and with modification to the following section: 17.58.112-E-to add landscape standards.

Discussion ensued regarding the parking when business types change.

Commissioners Moran and Phillips voiced concerns over the increase in parking along with the restaurant standard.

Commissioner Aguirre withdrew his motion in order to discuss the size limitation issue further.

The Planning Commission on motion of Commissioner Heinitz, Haugan second, voted to recommend to the City Council approval of the Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments with the following changes:

- 1) That no further discussion on size occur.
- 2) Section 17.58.112-that an item "E" be added to read, "Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting."
- 3) Section 17.58.112-C, that the standard for Retail be changed from 4 spaces to 5 spaces for every 1,000 square feet of building space.

Commissioner Phillips and Moran stated they would vote against motion. He felt a Use Permit was a reasonable for maximum size.

Chairman Mattheis felt that more discussion should occur separately and suggested he could not support the motion.

This motion was amended by Commissioner Heinitz with the concurrence of Commissioner Haugan to remove Section 17.58.021 (Maximum Size Limitations) from the Ordinance with further discussion to ensue.

AYES: Commissioners: Aguirre, Haugan, Heinitz, White and Chairman Mattheis

NOES: Commissioners: Phillips and Moran

ABSENT: Commissioners:

ABSTAIN: Commissioners

Discussion on square footage

Chairman Mattheis stated the Commission needed a discussion of what is at issue.

Commissioner White stated that the Commission needed to decide if there was going to be discussion on size limit and if so would it require a Use Permit?

Commissioner Haugan felt you had to set a size at the largest so far, 160,000 but was not in favor of any size limitations.

Commissioner Heinitz was not in favor of any size limitations and supported the requirement of a Use Permit.

Commissioner Phillips stated that a square footage limitation should be debated; However, a Use permit would allow staff to take a double look at a project.

Commissioner Aguirre suggested a 130,000 square foot limitation with a Use Permit.

Commissioner Moran felt more discussion was needed regarding the square footage issue. She liked the idea of a Use Permit. She felt that there should be another open forum on the matter.

Commissioner Mattheis suggested bringing the square footage issue back for further discussion as a Planning Matter at a future Planning Commission meeting.

Commissioner Phillips asked staff to come back with some wording on a conditional use permit.

Chairman Mattheis asked Mr. Schwabauer about any CEQA issues with any size limitation. Mr. Schwabauer felt there were no concerns.

A motion was made by Commissioner Haugan to not discuss the size issue any further. This motioned died due to lack of a second.

Chairman Mattheis needed additional information before a decision could be made and asked that the discussion be continued until a future meeting. The Commission concurred.

Comments by the Public

Ann Cerney, 900 W. Vine Street, Lodi. Ms. Cerney appreciated the work done by the Commission. If commercial development is to take place, look at the whole picture, not just economically. If the State takes sales taxes from the cities, it would not be worth having a large project. She liked the concept of putting a moratorium on big box projects until the square footage issue was resolved.

Frieda Kroll, 2315 N. Thurman Road, Acampo. Ms. Kroll moved from a small town to Lodi. She had seen beautiful big buildings and she also worked for Wal-Mart. The Commission had done a fine done with the development of the city and should not

make a size limitation.

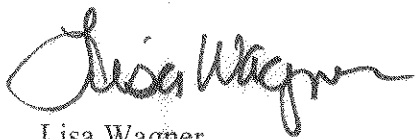
Kathy Grant, 841 Cardinal Street, Lodi. Ms. Grant felt the landscape designed should not be all about aesthetics, but also conservation. She asked that equal ground be replaced whenever land is taken away for development.

Michael Folkner, 46 Valley Oak Place, Woodbridge. Mr. Folkner shared that a new Wal-Mart Superstore would employ around 600 people. He is proud of all his employees and noted that the new store would open jobs for everyone.

ADJOURNMENT

As there was no further business to be brought before the Planning Commission, Chairman Mattheis adjourned the session at 11:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa Wagner".

Lisa Wagner
Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LODI AMENDING LODI MUNICIPAL CODE TITLE 17 -
ZONING BY ADDING CHAPTER 17.58 DESIGN
STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – “Zoning” is hereby amended by adding Chapter 17.58 “Design Standards for Large Retail Establishments” to read as follows:

Chapter 17.58

DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

Sections:

- 17.58.010 – Purpose
- 17.58.020 – Applicability
- 17.58.022 - Variances
- 17.58.030 – Facades and Exterior Walls
- 17.58.040 – Smaller Retail Stores
- 17.58.050 – Detail Features
- 17.58.060 – Roofs
- 17.58.070 – Materials and Colors
- 17.58.080 – Entryways
- 17.58.090 – Back and Side Facades
- 17.58.100 – Entrances
- 17.58.110 – Off-Street Parking Areas
- 17.58.120 – Back Sides
- 17.58.130 – Outdoor Storage, Trash Collection, and Loading Areas
- 17.58.140 – Pedestrian and Bicycle Flows
- 17.58.150 – Central Features and Community Spaces
- 17.58.160 – Delivery/Loading Operations

Design Standards for Large Retail Establishments

17.58.010 - Purpose

The City of Lodi adopted this ordinance on large retail developments - "superstores" - to provide the community with clear and enforceable policies to mitigate visual impacts. These guidelines provide the opportunity to set standards for future developments to ensure that future development fits with the expectations and meets the needs of the community.

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Lodi as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even with strong image making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way. Lodi already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the Zoning Ordinance, which provides for variance from the requirements if the proposal is equal to or better than the City's requirements.

17.58.020 – Applicability

The following standards and guidelines are intended to be used as a design aid by developers proposing large retail developments in community regional shopping centers or as uses-by-right; and as an evaluation tool by the City staff, Planning Commission, and Site Plan and Architectural Review Committee in their review processes. These standards and guidelines apply to all retail establishments of more than 25,000 square feet.

The "Intent" is provided in order to educate planners, design consultants, developers and City staff about the design objectives while the "Standards" are mandatory. The intent and standards are to be used in conjunction with all development criteria of the Lodi Municipal Code.

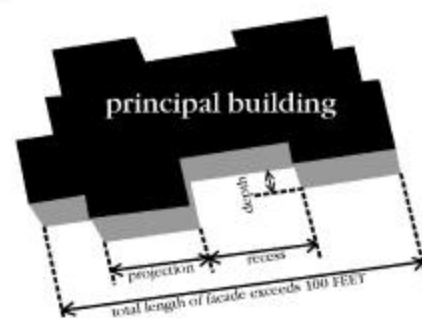
17.58.022– Variances

The Planning Commission is empowered to grant variances to the mandatory standards under the circumstances provided by the California Government Code.

17.58.030 - Facades and Exterior Walls

17.58.031 - Intent:

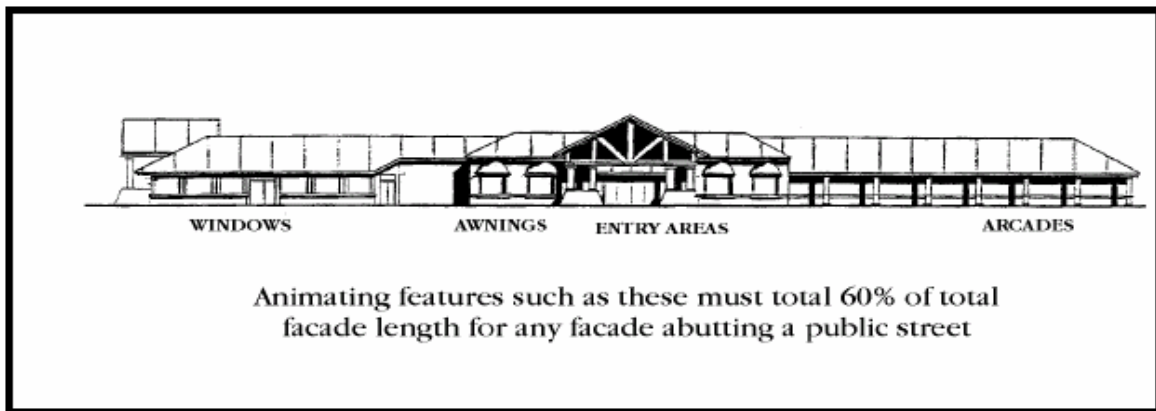
Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. This is to encourage a more human scale that Lodi residents will be able to identify with their community.



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

17.58.032 Standards:

- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.



17.58.040 - Smaller Retail Stores

17.58.041 – Intent:

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in principal buildings.

17.58.042 – Standard:

Where principal buildings contain additional, separately owned stores which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- A. The street level facade of such stores shall have storefront windows between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- B. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

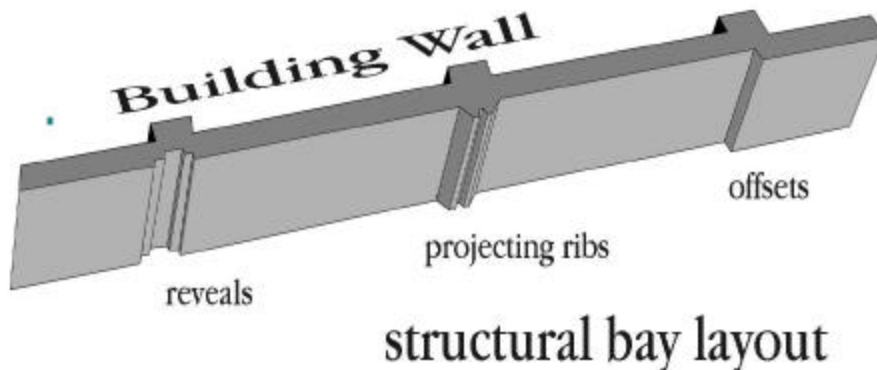
17.58.050 - Detail Features

17.58.051 – Intent:

Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

17.58.052 – Standard

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below:
1. Color change.
 2. Texture change.
 3. Material module change.
 4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



- B. At least one of these elements shall repeat horizontally.
- C. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

17.58.060 – Roofs

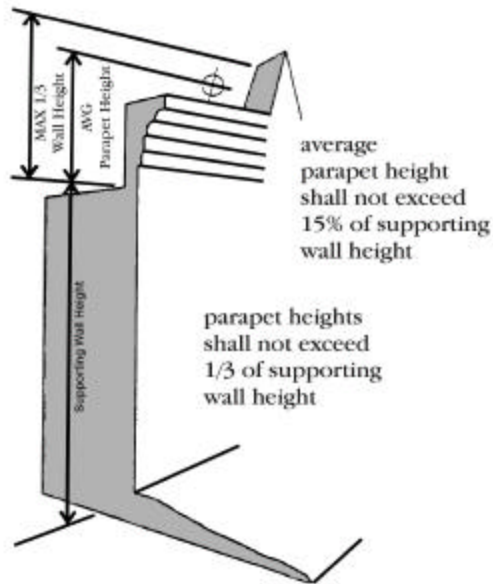
17.58.061 – Intent:

Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

17.58.062 – Standard:

Roofs shall have no less than two of the following features:

- A. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
- B. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- D. Three or more roof slope planes.



17.58.070 - Materials and Colors

17.58.071 – Intent:

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

17.58.072 – Standard:

- A. Predominant exterior building materials shall be high quality materials. These include, without limitation:
 - 1. clay brick
 - 2. wood
 - 3. rock or other native stone
 - 4. stucco, of varied finishes.
 - 5. tinted, textured, concrete masonry units
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Predominant exterior building materials shall not include the following:
 - 1. smooth-faced concrete block
 - 2. smooth finished tilt-up concrete panels
 - 3. pre-fabricated steel panels, except as an architectural roofing material

17.58.080 – Building Entryways

17.58.081 – Intent:

Entryway design elements and variations should give orientation making them easy to identify both day and night as well as providing aesthetically pleasing character to the building. The standards identify desirable entryway design features.

17.58.082 – Standard:

- A. Each principal building on a site shall have clearly defined, highly visible customer entrances utilizing no less than three of the following to become the most prominent features:
 - 1. canopies or porticos
 - 2. overhangs
 - 3. recesses/projections
 - 4. arcades
 - 5. raised corniced parapets over the door
 - 6. peaked roof forms (e.g. gable or hip)
 - 7. arches
 - 8. outdoor patios
 - 9. display windows
 - 10. architectural details such as tile work and moldings which are integrated into the building structure and design
 - 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

17.58.090 - Back and Side Facades

17.58.091 – Intent:

All facades of a building which are visible from adjoining properties and/or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

17.58.091 – Standards:

All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of, Section 17.58.030 of these Design Standards and Guidelines.

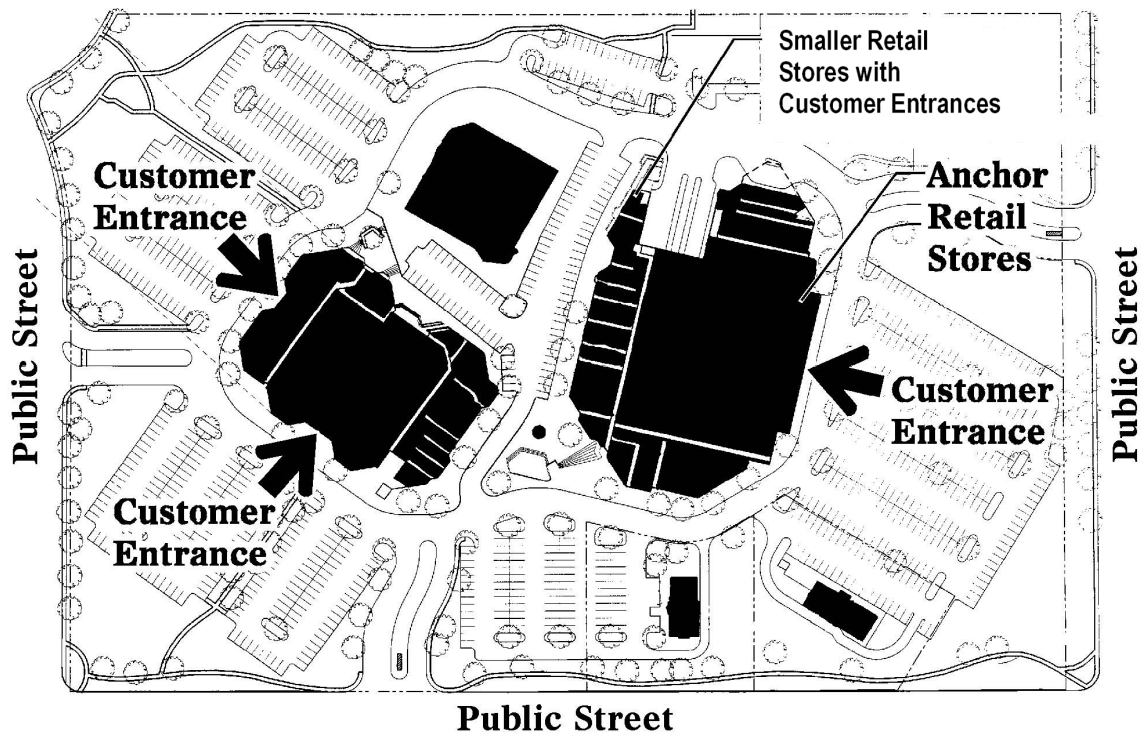
17.58.100 – Pedestrian Entrances

17.58.101 – Intent:

Large retail buildings should feature multiple entrances, which reduce walking distances from parking areas and public sidewalks, and provide convenient access to individual stores, or departments within a store. Multiple entrances can also mitigate the effect of uninterrupted walls and neglected areas that are often facing bordering land uses.

17.58.102 – Standard:

- A. All sides of a principal building that face an abutting public street shall feature at least one customer entrance. Where a principal building faces more than two public streets, this requirement shall only apply to two sides of the building; the side facing the primary street, and another side facing a second street. Movie theatres are exempt from this requirement.



17.58.110 – Off-Street Parking Areas

17.58.111 – Intent:

Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around large buildings in order to shorten the distances between buildings and public sidewalks, and reduce the visual impact of one large paved surface. With buildings located closer to streets, the scale of the complex is reduced, walking is encouraged, and architectural details take on added importance.

Covering the ground with asphalt has several long-term environmental impacts including excessive storm water run-off during the winter and tremendous increases in the ambient heat radiated by the asphalt. In order to provide adequate parking while practicing good stewardship of resources, the City has established a minimum and maximum range of off-street parking for large retail operations.

17.58.112 – Standard:

- A. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area. The front parking area shall be determined by drawing a line from the front corners of the building, parallel with the building sides, straight to the public street forming a 90 degree angle with the front façade.
- B. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including:
 - (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ($\frac{1}{2}$) of the parking space, and
 - (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- C. The minimum number of off-street parking spaces to be provided by a large-scale retail operation shall be 2 spaces for every 1,000 square feet of building space. The maximum number of off-street parking spaces shall not exceed the following:
 - Retail: Five (5) spaces for every 1,000 square feet of building space.
 - Restaurant: Fifteen (15) spaces for every 1,000 square feet of building space.
 - Fitness/Health Club: Six (6) spaces for every 1,000 square feet of building space.

For phased developments, parking areas shall only be constructed when the adjoining building for which the parking is required is built.

Additional parking stalls, beyond the maximums provided, may be allowed when developed in a multi-level structure with Planning Commission approval.

- D. Parking lot light poles shall not exceed a height of 25 feet.
- E. Landscaping in parking areas shall incorporate such material, as necessary, in order to achieve a minimum 50% shading requirement within 5 years of planting.

17.58.120 - Back Sides

17.58.121 – Intent:

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

17.58.122 – Standard:

- A. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line.
- B. Where the façade of a large scale retail building faces a public street that is adjacent to an existing or planned residential zone boundary or uses, an earthen berm no less than 6 feet in height, containing evergreen trees planted at intervals of 20 feet on center, or the equivalent in clusters, shall be provided.
- C. Garbage receptacles shall be constructed of solid textured masonry material with a decorative masonry cap. The gates frames shall be constructed of heavy gauge steel and provided with a solid opaque finish. Enclosures shall be provided with a cover such that storm water run-off from the enclosure is minimized.

17.58.130 - Outdoor Storage, Trash Collection, and Loading Areas

17.58.131 – Intent:

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

17.58.132 – Standard:

- A. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
- B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- D. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with landscaping, walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

17.58.140 - Pedestrian and bicycle Flows

17.58.141 – Intent:

Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal circulation systems that can provide user-friendly access as well as pedestrian safety, shelter, and convenience within the center grounds.

17.58.142 – Standard:

- A. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.
- B. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

- C. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. A minimum six (6) foot wide landscaped area shall be provided adjacent to the sidewalk, except where features such as arcades or entry ways are part of the façade.
- D. Internal pedestrian walkways provided in conformance with Part (b.) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Traffic calming measures shall be incorporated where pedestrian walkways intersect with drive aisles.
- F. Bicycle circulation shall be separated from vehicular traffic and shall be provided from each public street access to bicycle parking areas required throughout the site.

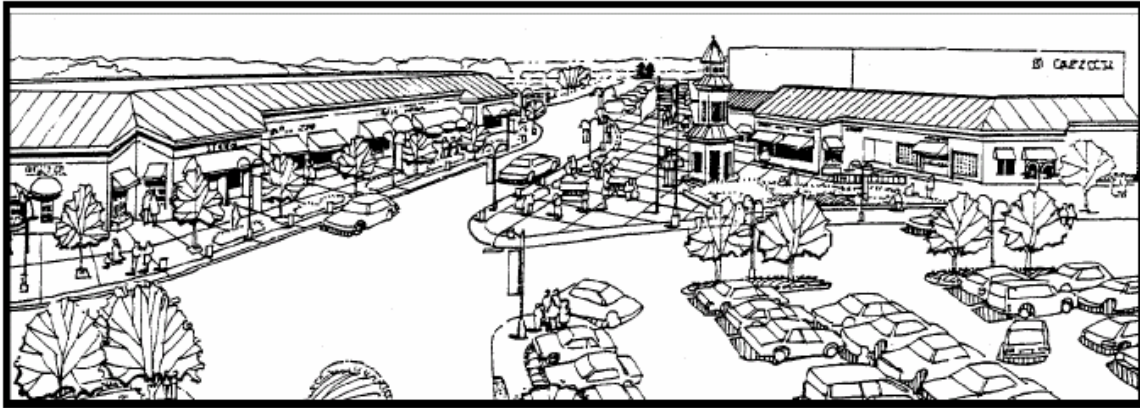
17.58.150 - Central Features and Community Spaces

17.58.151 – Intent:

Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

17.58.152 – Standard:

- A. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.
- B. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces.

17.58.160 - Delivery/Loading Operations

17.58.161 – Intent:

Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

17.58.162 – Standard:

- A. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 60 db, as measured at the lot line of any adjoining property.
- B. Delivery trucks shall not be allowed to remain running in an idle state during loading and unloading activities.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held March 17, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on Wednesday, March 17, 2004 at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

1) to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council
s: SUSAN J. BLACKSTON
City Clerk

Dated: March 4, 2004

Approved as to form:
s: D. STEPHEN SCHWABAUER
Interim City Attorney
March 6, 2004



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S
RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING
ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN
STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

LEGAL AD

PUBLISH DATE: Saturday, March 6, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MARCH 4, 2004

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE FAX OVER PROOF OF BORDERED AD. THANK YOU!!

LNS	Faxed to the Sentinel at 369-1084 at <u>3:00</u> (time) on <u>3/4/04</u> (date) <u>2</u> (pages)
	<u>JTA</u> Phoned to confirm receipt of all pages at <u>3:15</u> (time) Jac <u>AB</u> Tricia Jen (initials)



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 17, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 17, 2004 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: March 4, 2004

Approved as to form:

D. Stephen Schwabauer
Interim City Attorney



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN STANDARDS FOR LARGE ESTABLISHMENTS

On Thursday, March 4, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk

A handwritten signature in cursive script, reading "Patricia Ochoa".

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO ADOPT A ZONING ORDINANCE AMENDMENT ADDING CHAPTER 17.58 REGARDING DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

On March 4, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider the Planning Commission's recommendation of approval to the City Council to adopt a Zoning Ordinance Amendment adding Chapter 17.58 regarding Design Standards for Large Retail Establishments, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

Design Standards for Large Retail Establishments.

1) John Donovan, 425 W. Walnut Street #4, Lodi, CA 95240

EXHIBIT B



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: March 17, 2004

PREPARED BY: Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

(A) Randall Hays

DOL: January 23, 2004

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, The City's contract administrator, DB Claims and Human Resources Staff, recommend the City deny the subject claim(s).

FUNDING: None Required

Kirk Evans, Risk Manager

Attachments

cc: City Attorney
DB Claims

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Lodi Arts Commission and Parks and Recreation Commission
MEETING DATE: March 17, 2004
PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointments to the Lodi Arts Commission and Parks and Recreation Commission.

BACKGROUND INFORMATION: As indicated below, the City Clerk's office was directed to post for the vacancies on the Lodi Arts Commission and Parks and Recreation Commission. It is recommended that the City Council concur with the following appointments.

Lodi Arts Commission

Olympia Hostler Term to expire July 1, 2006 (*posting of vacancy ordered 1/21/04*)

*NOTE: Five applicants (two new applications and three applications on file);
published in Lodi News-Sentinel 1/24/04;
application deadline 2/23/04*

Parks and Recreation Commission

David Akin Term to expire December 31, 2008* (*posting of vacancy ordered 1/21/04*)

*NOTE: Six applicants (six new applications);
published in Lodi News-Sentinel 1/24/04;
application deadline 2/23/04*

*This term is due to expire December 31, 2004; however it is recommended that the four-year term be extended at this time.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through February 29, 2004.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

PROTOCOL ACCOUNT SUMMARY
Cumulative Report
July 1, 2003 through February 29, 2004

Date	Vendor	Description	Amount	Balance
				Starting Bal. \$18,000.
07-14-03	Baudeville	Envelopes, program paper, invitations, seals, for #400 8-21-03 Boards & Commissions Reception	292.79	
07-28-03	Carrot Top	#250 U.S. Flags – handouts for student tours	112.50	
07-29-03	Guiffra's	Linen rental for 7-26-03 CVW Auction Dinner	34.00	
08-05-03	Finance Dept.	60 grape stickers for young student tours	32.40	
08-07-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 7-26-03 CVW Boy & Girls Club Dinner)	45.00	
08-07-03	Janet Hamilton reimbursement	Decorations (for 7-26-03 CVW Boy & Girls Club Dinner)	185.28	
08-18-03	Guiffra's Party Rentals	Linen rental (for 8-16-03 General Mills Boy & Girls Club Dinner)	43.48	
08-18-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 8-16-03 General Mills Boy & Girls Club Dinner)	45.00	
08-21-03	Smart Foods	Flower decorations (for City Volunteer Reception 8-21-03)	49.53	
08-21-03	Longs	Candy (for City Volunteer Reception 8-21-03)	34.50	
08-21-03	Wine & Roses	Food, beverage, room charge (for City Volunteer Reception 8-21-03) Note: Deposit \$263.99 pd on 5-8-03	5,200.25	
10-28-03	Black Tie Gourmet	Catering services for 12-03 City Council Reorganization Reception	1,000.00	
11-12-03	Staples	Paper for #650 invitations to the 12-19 Employee Recognition Holiday Recept.	75.27	
11-17-03	Lasting Impressions	Outgoing Mayor Gift	70.58	
11-20-03	Lasting Impressions	2 community service awards and update of perpetual plaques	99.72	

12-17-03 City Council Meeting				Council decreased Protocol Acct. by \$3,000
12-19-03	Travis Café	Catering services for 12-19 Holiday Reception City Empl. Appreciation	1,090.97	
12-19-03	Rollin-in-Dough	31 dozen cookies delivered to off site facilities for Holiday City Empl. Appreciation	283.75	
02-07-04	Village Flowers	Jerald Kirsten – funeral standing spray	170.20	
02-21-04	Lodi Flower Shop	Ralph Hitchcock – funeral floral arrangement	98.05	
			<i>Total Expenditures:</i> (8,963.27)	<i>Ending Bal.</i> \$6,036.73



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the City Manager to appropriate \$25,000 in Public Benefit Program funds for the *Lodi Residential Swimming Pool Pump & Motor Rebate Program (EUD)*

MEETING DATE: March 17, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to appropriate Public Benefits Program funds in the amount of \$25,000 for the *Lodi Residential Swimming Pool Pump & Motor Rebate Program* (Note: eligible participants must be City of Lodi Electric utility customers.)

BACKGROUND INFORMATION: The proposed *Lodi Residential Swimming Pool Pump & Motor Rebate Program* is a new effort designed to enhance energy efficiency and conservation for those Lodi residents (apartment complex owners/managers are also eligible for a rebate under this program) who have a swimming pool on their Lodi property.

The intent of this program is to encourage swimming pool owners to install high efficiency pumps or motors; there will be two (2) rebate components in this proposed program:

- 1) \$150 rebate* for qualifying single-speed energy efficient motors;
- 2) \$325 rebate for qualifying two-speed pumps and motors (*these approved two-speed pumps & motors must be of equal or lesser horsepower than the horsepower of the existing single-speed pump and motor; a control system capable of controlling both low and high speeds separately must be installed*).

The pool pump rebates are only for filtration pumps associated with in-ground swimming pools; for motor replacement, pool booster pumps, aboveground pool pumps and spa pumps are not eligible for a rebate. Customers must be current on their City of Lodi utility account in order to qualify for a rebate under this program, and the rebates are available on a first-come, first-served basis, until funds are exhausted.

**In order to qualify for the \$150 rebate on single-speed pumps and motors, customers must reduce the maximum horsepower by 25%, reduce daily pump time by a minimum of one hour, and shift daily pump time to off-peak hours (traditional 'on-peak' hours in California are noon to 6pm).*

Installing high efficiency swimming pool pumps and motors, coupled with reduced daily pump time and operating the pump outside of 'on-peak' hours, will decrease a customer's home energy consumption by a minimum of 10 percent. Electric Utility staff respectfully recommends approval of the *Lodi Swimming Pool Pump & Motor Rebate Program* as qualifying component of the City of Lodi Public Benefits Program.

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt resolution authorizing the City Manager to appropriate
\$25,000 in Public Benefit Program funds for the *Lodi Swimming
Pool Pump & Motor Rebate Program* (EUD)
March 17, 2004
Page 2 of 2

FUNDING: 164605 – Public Benefits Program (Category: Demand-side Management)

Funding Approval:

Vicky McAthie, Finance Director

Alan N. Vallow
Electric Utility Director

PREPARED BY: Rob Lechner, Manager of Customer Service & Programs

ANV/RL/lt

cc: City Attorney

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO APPROPRIATE PUBLIC BENEFITS
PROGRAM FUNDS FOR THE LODI RESIDENTIAL SWIMMING
POOL PUMP & MOTOR REBATE PROGRAM

=====

WHEREAS, the State has mandated that beginning January 1, 1998, the City of Lodi is obligated to fund various programs through a Public Benefits Charge (PBC) based on a historical electric revenue requirement; and

WHEREAS, the requirement amounts to approximately \$1M per year that must be dedicated to qualifying programs such as energy efficiency. A further stipulation is that these efforts must be done on the customer's side of the meter in order to qualify; and

WHEREAS, the *Lodi Residential Swimming Pool Pump & Motor Rebate Program* is a new effort designed to enhance energy efficiency and conservation for those Lodi residents (apartment complex owners/managers are also eligible for a rebate under this program) who have a swimming pool on their Lodi property; and

WHEREAS, the intent of this program is to encourage swimming pool owners to install high efficiency pumps or motors; there will be two (2) rebate components in this proposed program:

- 1) \$150 rebate* for qualifying single-speed energy efficient motors;
- 2) \$325 rebate for qualifying two-speed pumps and motors *(these approved two-speed pumps & motors must be of equal or lesser horsepower than the horsepower of the existing single-speed pump and motor; a control system capable of controlling both low and high speeds separately must be installed); and*

**In order to qualify for the \$150 rebate on single-speed pumps and motors, customers must reduce the maximum horsepower by 25%, reduce daily pump time by a minimum of one hour, and shift daily pump time to off-peak hours (traditional 'on-peak' hours in California are noon to 6pm).*

WHEREAS, the pool pump rebates are only for filtration pumps associated with in-ground swimming pools; for motor replacement, pool booster pumps, aboveground pool pumps and spa pumps are not eligible for a rebate. Customers must be current on their City of Lodi utility account in order to qualify for a rebate under this program, and the rebates are available on a first-come, first-served basis, until funds are exhausted.

WHEREAS, installing high efficiency swimming pool pumps and motors, coupled with reduced daily pump time and operating the pump outside of 'on-peak' hours, will decrease a customer's home energy consumption by a minimum of 10 percent; and

WHEREAS, Electric Utility staff respectfully recommends approval of the *Lodi Residential Swimming Pool Pump & Motor Rebate Program* as qualifying component of the City of Lodi Public Benefits Program.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to appropriate Public Benefits Program funds in the amount of \$25,000.00 for the Lodi Residential Swimming Pool Pump & Motor Rebate Program, specifically designed for Lodi Electric Utility customers.

Dated: March 17, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 17, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Updates from Mayor Hansen regarding the following issues: Barger & Wolen audit of Envision Law Group's billings; progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation and legal proceedings relative to the Environmental Abatement Program litigation

MEETING DATE: March 17, 2004

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: That the City Council receive an update regarding the following issues: Barger & Wolen audit of Envision Law Group's billings; progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation and legal proceedings relative to the Environmental Abatement Program litigation.

BACKGROUND INFORMATION: At the request of Mayor Hansen, this item is placed on the agenda to allow for a verbal update regarding the status of the above issues.

FUNDING: Not applicable.

Janet S. Keeter
Deputy City Manager

JSK/si

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract(s) for City-Wide Janitorial Services to Lowest Responsive Bidder(s)

MEETING DATE: March 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the contract(s) for the above project to the lowest responsive bidder(s). Bids will be opened March 10, 2004, and more information will be presented at the Council meeting.

BACKGROUND INFORMATION: This project consists of the janitorial specifications and contract requirements to service City facilities. Within the past six years, City facilities have grown by an estimated 110,000 square feet, including the addition of the new police facility. Growth and changing expectations in the quality of janitorial services indicate the need to update specifications and contract management, which requires appropriate re-bidding of the janitorial services contract. Significant changes to the specification include the ability to award separate contracts for each facility. In addition, the bid will allow selection of reduced service levels to reduce the total cost. These changes will allow the City to pursue the highest quality work with the most reasonable costs.

Plans and specifications for this project were approved on February 4, 2004.

FUNDING: The money for this project will be coming from the operations budget for the Public Works Department, Electric Utility Department, Transit Division, Parks and Recreation Department, and Hutchins Street Square.

Project Estimate: \$200,000 per year
Bid Opening Date: March 10, 2004

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager

RCP/DJC/pmf

cc: Purchasing Officer
Parks & Recreation Director
Facilities Supervisor

Community Center Director
Electric Utility Director

Library Services Director
Transportation Manager

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approval of Special Allocation for Expenses Incurred for moving and storing PCE/TCE Litigation Files

MEETING DATE: March 17, 2004

PREPARED BY: Interim City Attorney

RECOMMENDED ACTION: That the City Council approve a Special Allocation in the amount of \$17,005.00 to cover expenses incurred for moving and storing PCE/TCE Litigation Files.

BACKGROUND INFORMATION: As you will recall, with the termination of the City's outside Environmental Counsel, Envision Law Group, it was necessary to have the 200 Bankers Boxes of litigation files moved from Envisions Lafayette office to the City of Lodi.

The files were temporarily stored in the Document Depository (with approximately 1300 other boxes already located there) until such time as Envision terminated the Document Depository lease. The files were then relocated to the basement of the old Public Safety Building once the Police Department moved into their new quarters. Since time was of the essence to move, organize and review the files in order to meet ongoing deadlines, the Kronick, Moskovitz, Tiedemann & Girard firm assisted the City by locating a company to move the boxes of files, keeping them in careful order. The vast number of files encompasses at least six rooms.

The moving company, Cimarron of California performed the following work:

1)	1/29/04 - Picked up 200+ boxes from Envision Law Group, Lafayette and delivered to City of Lodi (this included five hours of down time as Envision would not allow entry).	\$ 2,889.00
2)	2/01/04 - Arranged boxes [in Depository hallway] in numerical order. (This work was done on a Sunday per Steve Schwabauer's request).	\$ 855.00
3)	2/09/04 – Relocate 1500 boxes plus contents and shelving from 210 W. Pine Street to 210 Elm Street, Lodi.	<u>\$11,532.00</u>
TOTAL		\$15,276.00

APPROVED: _____
H. Dixon Flynn, City Manager

Additionally, during the time between the lapse of the Depository lease and moving of the files to the Public Safety Building, the City is being charged \$133.00 rental fee per day by the owner, Mr. Fred Heagarty.

Document Depository Rental fee covering time period January 30, 2004 \$ 1,729.00
through February 11, 2004, representing 13 days.

FUNDING: Water Fund 183453.7323

Vicky McAthie, Finance Director

D. Stephen Schwabauer
Interim City Attorney

DSS/pn

Attachments



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 01/30/04

INVOICE #: 46683

CUSTOMER #: PER ELAINE

PROJECT #: 38301

BILL TO:

KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417

SERVICE FOR:

ENVISION LAW GROUP
DESCO PLAZA II
3717 MOUNT DIABLE BLVD. #100
LAFAYETTE, CA 94549

2% 10 / Net 15

Due on or before 02/14/04

DATE	DESCRIPTION	AMOUNT
1/29/04	PICKUP & DELIVERY AS PER ATTACHED	\$ 2889.00

Bill to Lodi
87716
11233.1
per Lacia
Henderson

TAX \$ 0.00

TOTAL REMITTANCE DUE \$ 2889.00

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Project #: 38301
 BT: TM
 J.S.T.: 02/14/00 010300
 STOP: 1 TIME: 10:00
 S/W: Elaine
 RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 400 CAPITOL MALL, 27TH FL.
 SACRAMENTO, CA 95814-4417

CONSIGNEE: ENVISION LAW GROUP
 DESCO PLAZA II
 3717 MOUNT DIABLO BLVD, STE. #100
 LAFAYETTE, CA 94549

CONTACT: ELAINE SAVAGE
 PHONE #: (916) 321-4528

CONTACT: LACIAN HENDERSON
 PHONE #: (925) 962-6900 - CELL (916) 300-5685

DATE: 1/29/04 CUST. P.O.#: VERBAL ELAINE

XWO:

#ORD	#REC	#B/O	PRS/ PRF	Date of Service	ITEM DESCRIPTION
1	1	<input checked="" type="checkbox"/>		1/29/04	Pick up (100 - 200) Boxes from above and deliver to address below.
1	1	<input checked="" type="checkbox"/>			210 West Pine, Lodi, Peggy Nicolini, (209) 333-6701. Call 1/2 hr prior to arrival.

Unable to start until 3:00 pm

Job Complete: _____ Incomplete - See Punchlist: _____
 Cust. Init. Init.

Comments: Please call Lacion Henderson 1/2 hr prior to arrival. Cell # (916) 300-5685.

Wheels left on site 27 wheels & cardboard tubes in load.

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT George Havens

CUSTOMER SIGN _____

DATE: 1/29/04

CUSTOMER DATE 1-29-04

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

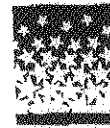
D _____ P _____ W _____ I _____ S _____ SP _____ WC _____ IR _____ PRF# _____

Thank you for using Cimarron - We appreciate your business!



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)

BILL TO:
KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 02/10/04
INVOICE #: 46783
CUSTOMER #: PER ELAINE
PROJECT #: 38331

SERVICE FOR:
210 W. PINE
LODI, CA

Net 15

Due on or before 02/25/04

DATE	DESCRIPTION	AMOUNT
2/1/04	SERVICE AS PER ATTACHED	\$ 855.00

877852
Bill to Lodi
11233.1

W

TAX	\$ 0.00
TOTAL REMITTANCE DUE	\$ 855.00

WE NOW ACCEPT MASTERCARD, VISA, AMERICAN EXPRESS, AND DISCOVER.

THANK YOU FOR USING CIMARRON!
WE APPRECIATE YOUR BUSINESS!

CIMARRON OF CALIFORNIA
 8432 ROVANA CIRCLE, #1
 SACRAMENTO, CA 95828
 (916) 387-8093 PHONE
 (916) 387-8163 FAX
 CA # 109139

Project #: 38331
 BT: TM
 J.S.T.: 02-03-05
 STOP: 1 TIME: 1:00
 S/W: Jennifer
 RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 400 CAPITOL MALL, 27TH FL.
 SACRAMENTO, CA 95814-4417

CONSIGNEE:
 210 W. PINE
 LODI, CA

CONTACT: ELAINE SAVAGE
 PHONE #: (916) 321-4528

CONTACT: JENNIFER
 PHONE #: (916) 402-1297 Cell

DATE: 2/1/04 CUST. P.O.#: VERBAL ELAINE

XWO:

#ORD	#REC	#B/O	PRS/ PRF	Date of Service	ITEM DESCRIPTION
1	1	2		2/1/04	Arrange boxes in numerical order per Jennifer's direction.
1	1	2			Pick up (27) empty tubs and (27) 4 wheelers left on Thurs.

Job Complete: *[Signature]*

Incomplete - See Punchlist: *[Signature]*

Comments: Great Job!

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT Dave Reyes

CUSTOMER SIGN *[Signature]*

DATE: 2/1/04

CUSTOMER DATE 2/1/04

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

D _____ P ☒ W _____ I _____ S ☒ SP _____ WC _____ IR _____ PRF# _____

Thank you for using Cimarron - We appreciate your business!



3132 Dwight Road, Suite 400
Elk Grove, CA 95758
(916) 391-4480
(916) 391-8414 FAX
Contractor's Lic. # 819181 (D34)

BILL TO:
KRONICK MOSKOVITZ
ATTN: ACCTS PAYABLE
400 CAPITOL MALL, 27 FLR
SACRAMENTO, CA 95814-4417

FEB 23 2004
CITY ATTORNEY'S OFFICE



MilliCare
Advanced Commercial Carpet,
Panel and Upholstery Care

DATE: 02/13/04
INVOICE #: 46817
CUSTOMER #: PER LACIAN
PROJECT #: 38396

SERVICE FOR:
LODI STORAGE
210 W. PINE STREET
LODI, CA

2% 10 / Net 15

Due on or before 02/28/04

DATE	DESCRIPTION	AMOUNT
2/11/04	SERVICE AS PER ATTACHED	\$ 11532.00

87909

OK for Payment	
ACCOUNT	
DATE	AUTHORIZED
2/23/04	

TAX	\$ 0.00
TOTAL REMITTANCE DUE	\$ 11532.00

WE NOW ACCEPT MASTERCARD, VISA, AMERICAN EXPRESS, AND DISCOVER.

THANK YOU FOR USING CIMARRON!
WE APPRECIATE YOUR BUSINESS!

CIMARRON OF CALIFORNIA
8432 ROVANA CIRCLE, #1
SACRAMENTO, CA 95828
(916) 387-8093 PHONE
(916) 387-8163 FAX
CA # 109139

Project #: 38396
BT: TM
J.S.T.:
STOP: 1 TIME: 7:00
S/W: Lacion
RACK LOC:

CUSTOMER: KRONICK, MOSKOVITZ, NEDDEMANN & GIRARD
400 CAPITOL MALL, 27TH FL.
SACRAMENTO, CA 95814-4417

CONSIGNEE: LODI STORGE
210 W. PINE ST
LODI, CA

(Document Depository)

CONTACT: LACIAN HENDERSON
PHONE #:

CONTACT: LACIAN
PHONE #:

DATE: 2/9/04 CUST P.O.# VERBAL LACIAN

XWO:

#ORD	#REC	#B/O	PRS/ PRF	Date of Service	ITEM DESCRIPTION
------	------	------	-------------	--------------------	------------------

1	1	6		2/9/04	Relocate contents and shelving to 210 Elm St Lodi <i>(Old Police Bldg)</i>
---	---	---	--	--------	--

Job Complete:

Incomplete - See Punchlist:

Cust. Init.

Init.

Comments:

Initiation of work constitutes acceptance of Cimarron's pricing and all of their normal terms and conditions.

SERVICE AGENT Henry Ochoa

CUSTOMER SIGN

per Lacion
2-11-04

DATE: 2/9/04

CUSTOMER DATE

We now accept MasterCard, VISA, American Express, and Discover.

OFFICE USE

D ☒ P ☒ W ☐ I ☐ S ☒ SP ☐ WC ☐ IR ☐ PRF#

Thank you for using Cimarron - We appreciate your business!

hmtl - Code(11532

mon 2/9 - Henry - $8 \times .81 = .648$
 $25 \times .114 = .285$

(2) ml - $16 \times .52 = .832$
 $2 \times .78 = .156$

(1) ma - $8 \times .52 = .416$

2,335

Tue 2/10 Henry - $8 \times .81 = .648$
 $4 \times .114 = .456$
 $-75 \times .147 = .1025$

(3) ml - $24 \times .52 = 1,248$
 $10.5 \times .78 = .819$

(1) man - $8 \times .52 = .416$
 $1 \times .78 = .78$

(1) man - $3.5h \times .52 = .182$

(1) man - $6.5h \times .52 = .338$

4,295.25

Wed 2/11

$$\begin{aligned}
 \text{Weng} &= 8 \times \$81 = \$648 \\
 &4 \times \$114 = \$456 \\
 &- 75 \times \$47 = -\$3525
 \end{aligned}$$

\$4,899.25

$$\begin{aligned}
 (5) \text{ min} &= 40 \times \$52 = \$2,080 \\
 &16.25 \times \$78 = \$1,267.50
 \end{aligned}$$

$$(1) \text{ min} = 6.5 \times \$52 = \$338$$

$$\begin{aligned}
 \text{Total} &= \$2,337 \quad \checkmark \\
 &\$4,295.25 \quad \checkmark \\
 &\$4,899.25 \quad \checkmark
 \end{aligned}$$

\$11,532.00

085

MULLEN, SULLIVAN & NEWTON, LLP

THOMAS J. NEWTON
CRAIG RASMUSSEN
STEPHEN C. SNIDER
JAMES V. DEMERA III
BENJAMIN C. McDONALD

ATTORNEYS AT LAW
1111 WEST TOKAY STREET
P. O. BOX 560
LODI, CALIFORNIA 95241-0560
(209) 334-5144
FAX (209) 333-1034

OF COUNSEL
ROBERT H. MULLEN
C. M. "DUD" SULLIVAN

February 3, 2004

Stephen D. Schwabauer
City Attorney
221 W. Pine St.
Lodi, CA. 95240

(Sent Via Fax (209) 333-6807)

RE: Heagarty vs. Envision

Dear Steve:

After our discussions regarding the City's occupancy of the 210 West Pine Street premises, I had a discussion with my client and found out that I misinterpreted something that he told me.

Fred indicates to me that he never meant to indicate that the City could have free use of the property. He would like to be compensated at the rate of \$4,000.00 per month for each day of the City's occupancy. This translates into roughly \$133.00 per day of actual occupancy. If this is agreeable, please let me know and I will prepare a very short Memorandum of Understanding to protect both of our interests.

If you have any questions, please call.

Very truly yours,

MULLEN, SULLIVAN & NEWTON, LLP

by

THOMAS J. NEWTON

TJN:SW

cc: Dennis Callahan
Fred Heagarty

Copy given
to Dennis
2/4/04
DW



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to Reimbursement Agreements"

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1743.

BACKGROUND INFORMATION: Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to Reimbursement Agreements" was introduced at the regular City Council meeting of March 3, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP
Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1743

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI
MUNICIPAL CODE CHAPTER 16.40, BY REPEALING SECTION
16.40.050 A-5 AND ADDING SECTION C RELATING TO
REIMBURSEMENT AGREEMENTS

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction is hereby amended by repealing Section 16.40.050 A-5 relative to Reimbursement Agreements.

Section 2. Lodi Municipal Code Section 16.40.050 – Reimbursement Agreement is hereby amended by adding subsection C as follows:

- C. Prior to the adoption of a resolution approving the reimbursement agreement the city shall within ninety (90) days of receipt of a completed application conduct a public hearing as follows:
 - 1. At least ten (10) days prior to the date and time set for the hearing before the city council, give a notice by first class mail, postage prepaid, to the addresses as shown on the latest equalized assessment roll of San Joaquin County, to the owners of each parcel identified in the reimbursement agreement as benefited.
 - 2. The notice shall state the date, time, and location set for such hearing.
 - 3. Include in such notice to property owners as required under (1) above a statement of the nature of the improvements constructed by the applicant, the actual costs of the improvements, the amount of the reimbursable costs as provided in Section A above, and list of the addresses or a map delineating all parcels identified in the reimbursement agreement as benefited.
 - 4. The hearing on such reimbursement agreement shall take place before the city council, at which time all interested parties shall be heard. The council shall determine what properties are benefited, the costs and a fair method of allocation of costs to the properties benefited, and an apportionment of such costs.

Section 3. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 17th day of March, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1743 was introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS -
NOES: COUNCIL MEMBERS -
ABSENT: COUNCIL MEMBERS -
ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. 1743 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles"

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1744.

BACKGROUND INFORMATION: Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles" was introduced at the regular City Council meeting of March 3, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING
TITLE 9 – PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 9.08,
“OFFENSES AGAINST PROPERTY,” BY REPEALING AND REENACTING
SECTION 9.08.150 OF THE LODI MUNICIPAL CODE RELATING TO VEHICLES

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 9.08.150 “Vehicles” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

9.08.150 Vehicles.

No person shall stop, park, or leave standing a vehicle at any time within or upon any posted property without written permission of the owner, tenant, or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner's expense. Violations of this requirement are deemed to be an infraction.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 17th day of March, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1744 was introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1744 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney

Comments by the City Council Members on non-agenda items